

RECORD OF COMMUNICATION

☐ PHONE CALL ☐ DISCUSSION ☐ FIELD TRIP ☐ CONFERENCE
☐ OTHER (SPECIFY)

(Record of item checked above)

TO: Jim Evans
National Electric Co.

FROM: Bill Lewis
NATIONAL ELECTRIC CO.
509-535-8751

DATE 1:30 AM
TIME 5/13/82

SUBJECT
PCB INSPECTION

SUMMARY OF COMMUNICATION

MR. LEWIS CALLED TO SAY HE HAD RECEIVED NOTIFICATION THAT HIS WASTE OIL CONTAINED PCBs. HE ASKED WHAT NEEDED TO BE DONE. I TOLD HIM IT SHOULD BE DISPOSED OF AT A CHEMICAL WASTE LANDFILL SUCH AS CHEM SECURITY SYSTEMS IN ARLINGTON OREGON OR ENVIRSAFE INC IN IDAHO. I ALSO TOLD HIM THAT HE NEEDED TO KEEP RECORDS, LABEL THE BARREL OF PCB CONTAMINATED OIL AND ~~STOR~~ STORE THE OIL IN A LOCATION THAT MET EPA'S STORAGE FACILITY REQUIREMENTS. I ALSO MENTIONED THAT HE WOULD BE RECEIVING A WARNING LETTER SHORTLY WHICH WOULD OUTLINE THE VIOLATIONS WHICH WE FOUND.

CONCLUSIONS, ACTION TAKEN OR REQUIRED

INFORMATION COPIES

TO:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

M/S 524

Certified Mail

Laboratory Analysis Notice

Bill N. Lewis, Plant Manager
National Electric Coil
Spokane Service Center
415 N. Fannher Road
Spokane, WA 99220

Dear Mr. Lewis:

On 3/12/82, samples were obtained as part of an inspection at National Electric Coil, Spokane, Washington. These samples have been analyzed for polychlorinated biphenyl (PCB) by the Environmental Protection Agency analytical laboratory. A copy of that lab report is being forwarded to you with this letter.

The analysis involves testing of the sample for seven characteristic and distinct types of PCB. They are: Aroclor 1221, 1232, 1242, 1248, 1254, 1260 and 1016. Only the types of Aroclor found will be reported. Aroclor 1254 was detected at 134 ppm in Sample 10035 (Sub B) which was taken from a 55 gallon drum of waste oil.

Inquiries or correspondence should be directed to Jim Everts, EPA Region 10, Permits and Compliance Branch, M/S 524, 1200 Sixth Avenue, Seattle, Washington 98101; telephone: (206) 442-2632.

Sincerely,

Donald A. Donaldson, Chief
Compliance Section

MAY 5 1982

Date

Enclosure

MPartridge:wmh 5/5/82

CONCURRENCES

SYMBOL							
SURNAME							
DATE							

firm file

MAY 13 1982 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: Violation Assessment
SUBJECT: National Electric Coil
Spokane Service Center
415 N. Fancher Road
Spokane, WA 99220

FROM: Margo Partridge, EPS *MP*

TO: *JD*
Donald Donaldson, Compliance Section Chief

Thru: Jim Everts, Toxic Substances Team Leader *JE*

On March 12, 1982 an EPA inspection was conducted by Michael Watson at the National Electric Coil facility in Spokane, Washington. The inspection was carried out to determine compliance with the PCB Regulations adopted by EPA pursuant to the Toxic Substances Control Act (TSCA). The inspection disclosed violations of these regulations as follows:

Records & Monitoring

40 CFR 761.45(a) requires that beginning July 2, 1978 owners or operators of a facility using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs in PCB Containers shall develop and maintain records on the disposition of PCBs and PCB Items. These records shall form the basis of an annual document prepared for each facility by July 1 covering the previous calendar year. The annual document shall include:

- 1) a) The dates when PCBs and PCB Items are:
 - i) removed from service,
 - ii) placed into storage for disposal,
 - iii) placed into transport for disposal; and
- b) the quantities of PCBs and PCB Items removed from service, including:
 - i) total weight in kilograms of PCBs contained in Containers, with the identification of content on the containers,
 - ii) total number of PCB Transformers and total weight in kilograms of PCBs contained in the transformers,
 - iii) total number of PCB Large High or Low Voltage Capacitors;
- c) the location of the initial disposal or storage facility for PCBs and PCB Items removed from service;

- 2) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year, including:
- a) total weight in kilograms of any PCBs and PCB Items in PCB Containers with the identification of content on the container,
 - b) total number of PCB Transformers and total weight in kilograms of PCBs in the transformers,
 - c) total number of PCB Large High or Low Voltage Capacitors.

There were no records or annual documents concerning the waste oil which contained 134 ppm PCBs. The term PCB is used to refer to any chemical substance or combination of substances that contain 50ppm (on a dry weight basis) or greater of PCBs, including any byproduct, intermediate, or impurity manufactured at any point in a process. The 55 gallon drum of contaminated waste oil was approximately one-third full and contained more than 10 gallons of liquid (over 99.4 pounds).

The firm has had the waste oil for some time but it is not known whether they have exceeded the thirty day temporary storage provision.

Marking

- I. 40 CFR 761.20(a)(1) requires that after July 1, 1978 PCB Containers, defined as any package, barrel, drum ... or other device that contains PCBs or PCB Articles whose surface has been in direct contact with the PCBs, shall be marked as illustrated in Annex V (761.44(a)).

The barrel with waste oil contaminated at 134 ppm PCB was not marked as required in 761.20(a)(1) and 761.44(a).

- II. 40 CFR 761.42(c)(3) requires that the storage area used for temporary storage of PCBs be marked as illustrated in Annex V (761.44(a)).

The area where the drum containing waste oil contaminated with PCBs was located was not marked.

This assessment is being referred for your evaluation and determination of further regulatory action.

firm file

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF: M/S 524

MAY 13 1982

Certified Mail

Notice of Warning

Bill N. Lewis, Plant Manager
National Electric Coil
Spokane Service Center
415 N. Fancher Road
Spokane, WA 99220

Dear Mr. Lewis:

On March 12, 1982 an EPA inspection was conducted by Michael Watson at the National Electric Coil facility in Spokane, Washington. The inspection was carried out to determine compliance with the PCB Regulations adopted by EPA pursuant to the Toxic Substances Control Act (TSCA).

During the inspection violations of the regulations were noted. You should be aware that violations of TSCA may be subject to administrative civil penalties. The following identifies in detail the violations observed during the inspections:

Records & Monitoring

40 CFR 761.45(a) requires that beginning July 2, 1978 owners or operators of a facility using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs in PCB Containers shall develop and maintain records on the disposition of PCBs and PCB Items. These records shall form the basis of an annual document prepared for each facility by July 1 covering the previous calendar year. The annual document shall include:

- 1) a) The dates when PCBs and PCB Items are:
 - i) removed from service,
 - ii) placed into storage for disposal,
 - iii) placed into transport for disposal; and
- b) the quantities of PCBs and PCB Items removed from service, including:
 - i) total weight in kilograms of PCBs contained in Containers, with the identification of content on the containers,
 - ii) total number of PCB Transformers and total weight in kilograms of PCBs contained in the transformers,
 - iii) total number of PCB Large High or Low Voltage Capacitors;

2.

- c) the location of the initial disposal or storage facility for PCBs and PCB Items removed from service;
- 2) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year, including:
- a) total weight in kilograms of any PCBs and PCB Items in PCB Containers with the identification of content on the container,
 - b) total number of PCB Transformers and total weight in kilograms of PCBs in the transformers,
 - c) total number of PCB Large High or Low Voltage Capacitors.

There were no records or annual documents concerning the waste oil which contained 134 ppm PCBs. Records and annual documents must be maintained for at least five years after a facility ceases using or storing PCBs (at least 99.4 pounds) and PCB Items. The term PCB is used to refer to any chemical substance or combination of substances that contain 50ppm (on a dry weight basis) or greater of PCBs, including any byproduct, intermediate, or impurity manufactured at any point in a process. The 55 gallon drum of contaminated waste oil was approximately one-third full and contained more than 10 gallons of liquid (over 99.4 pounds).

Marking

- I. 40 CFR 761.20(a)(1) requires that after July 1, 1978 PCB Containers, defined as any package, barrel, drum ... or other device that contains PCBs or PCB Articles whose surface has been in direct contact with the PCBs, shall be marked as illustrated in Annex V (761.44(a)).

The barrel with waste oil contaminated at 134 ppm PCB was not marked as required in 761.20(a)(1) and 761.44(a).

- II. 40 CFR 761.42(c)(3) requires that the storage area used for temporary storage of PCBs be marked as illustrated in Annex V (761.44(a)). Temporary storage of PCBs between 50-500 ppm in PCB Containers is allowed for up to thirty days from the date removed from service.

If the 30 day temporary storage allowance is exceeded, PCBs and PCB Items must be stored in a facility which meets the requirements of 761.42(a)(1), including:

- 1) adequate roof and walls to prevent rainwater from reaching the stored PCBs;
- 2) adequate floor with continuous curbing a minimum of six inches high, constructed of continuous smooth and impervious materials;
- 3) no valves, drains or other openings that would permit liquids to flow from the curbed area.

3.

Temporary storage of liquid PCBs between 50-500 ppm requires that a Spill Prevention Control and Countermeasure Plan be prepared for the temporary storage area in accordance with 40 CFR 112. PCBs and PCB Containers in storage must be dated on the article or container when they are placed in storage, according to 40 CFR 761.42(c)(8). The container must bear a notation that indicates the liquids in the drum do not exceed 500 ppm PCB.

You should be aware that mineral oil or other liquids containing a PCB concentration of 50 ppm or greater, but less than 500 ppm, must be disposed of: 1) in an incinerator which complies with Annex I (761.40); 2) a chemical waste landfill which complies with Annex II (761.41); 3) in a high efficiency boiler; or 4) in a facility that is approved in accordance with 761.10(e), which has a combustion process that destroys PCBs as efficiently as does a high efficiency boiler.

Within 30 days of your receipt of this letter, please advise us of the corrective action which you will take to bring your facility into compliance with the PCB Regulations. A copy of the May 31, 1979 Federal Register has been enclosed for your information. Inquiries and correspondence should be directed to Donald A. Donaldson, EPA Region 10, Permits and Compliance Branch M/S 524, 1200 Sixth Ave., Seattle, WA 98101; telephone (206) 442-2871.

Sincerely,

for Charles Findley
Alexandra B. Smith, Director
Air & Waste Management Division

5/12/82
Date

INSPECTION EVALUATION-

Margo Partridge
Name & title evaluator

RCRA		TSCA	<input checked="" type="checkbox"/>	FIFRA	
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ACTION TAKEN

- ☒ No Action Indicated
- ☒ Violation Assessment
- ☒ Letter of Non-Compliance
- ☐ Referral for Admin. Civil Penalty
- ☐ Referral for Criminal Action
- ☐ Refer to State

Michael Watson
Name of inspector

March 12, 1982
Date of inspection

National Electric Coil
415 N. Groves Rd.
Spokane, WA 99220
Establishment Name & Address

COMMENTS:

Violations of: 761.45(L) records, 761.20(a)(1) marking containers, 761.42(c)(3) marking storage area,

James M. Everts 4/13/82
CONCUR

DO NOT CONCUR

PCB INSPECTION:

National Electric Coil
Div. McGraw-Edison Co.
Spokane Service Center
415 N. Fancher Rd.
Spokane, WA 99220
(509) 535-8751

Michael Watson
3-12-82

I visited the above company at 2:30 PM on the above date. I was referred by the secretary-receptionist to Mr. Bill N. Lewis, Plant Manager. I presented him with my credentials and we went to his office to chat. I then gave him a Notice of Inspection and explained the basis for my inspection.

Mr. Lewis had been with the plant for only about 6 months, and knew little about past activities prior to his arrival. His secretary was also relatively new, and was not much aware of past practices. The company repairs transformers, also various kinds of electric devices which McGraw-Edison manufactures. Various kinds of electric motors, pumps, regulators, and so forth are evident in the large building housing the service center.

According to Mr. Lewis, company policy for all the McGraw-Edison service centers is to NOT accept any PCB transformers for repair. If a transformer is PCB, they will not work on it or repair it. Then I inquired as to how they know whether or not the transformer is PCB. Mr. Lewis was unable to provide assurance in terms of whether or not lab analysis was required, etc. I then asked about record keeping. Mr. Lewis indicated that they did not keep such records. I reminded him of the general recordkeeping provisions of TSCA for PCB etc., but he was pretty much at a loss in that department, having no records and stating as mentioned previously that the company simply won't work on PCB type equipment.

I then met Mr. Jon Holm, Plant Superintendant, and Mr. Laurence A. Martin, Shop Foreman, and began my inspection of the premises.

According to Mr. Lewis, two transformers were being rebuilt at the moment in the plant. One of these was a large transformer from Boise-Cascade, Potlatch. The other was a smaller regulating type transformer (voltage regulator?) of uncertain lineage and without an i.d. plate, but labelled "R&A COOP 1904." The large transformer had had the oil removed, and it was being stored in 55 gal drums just inside the building. The smaller transformer still had its oil intact, but the top had been removed. As for waste, several 55 gallon drums of waste oil were inside the bldg. They were filled with various waste oils which had come from electric motors, vertical hollow shaft pumps, gear motors, sleeve bearing motors, etc. These were not PCB according to the staff on hand. The bldg was clean and well organized, and resembled a large machine shop, rather than a facility that was very oriented toward oils and oil wastes. Lots of metal-related work was going on. A small amount of oily dirt was evident in the back of the plant, but I did not sample it. Several barrels of waste were also stored outside. I inquired to Mr. Lewis as to their nature and was told they were resins. Apparently they had thus far been unable to dispose of them for various technical reasons. I noted no leaks, and the storage yard seemed neat and in order, etc.

I collected the following samples, took photos, etc.:

Sample #225157, Sub A (EPA LAB NO. 10034): approx. 10 ml clear, yellowish oil from regulating type transformer labelled "R&A COOP 1904." No nameplate was evident.

#225157, Sub B: approx. 10 ml blackish waste oil, which was a composite of used oils taken from various electric motors and pumps (gear motors, vertical hollowshaft pumps and sleeve bearing motors.) The drum contained more than 10 gallons of liquid (about 1/3 full).

#225157, Sub C: approx. 10 ml clear yellowish oil from 750 kva Alyce Chalmers transformer being rebuilt, from Boise Cascade, Potlatch. The nameplate and oil had been removed, but Mr. Martin produced the plate, I photographed it and noted S.N. 3394967. The oil was taken from 55 gal drum picked out by Mr. Martin, which he indicated contained the drained oil from that particular apparatus. Samples were taken by dipping clean, individual "dixie cup" containers into fluid, and pouring into my EPA glass vials. From what I could tell, no labels for "PCB" were noted anywhere in the plant. I doubt if the facility is an avid labeler. However, I did note that their main business is NOT oil oriented. I gave Mr. Lewis a R/S, 2 copies of N/C (explaining same) and left. I mailed Mr. Jon Holm a copy (certified) of N/C on 3-18-82.

Michael Watson, 3-18-82



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

REPORT OF ANALYSIS

1. SAMPL. NO.
10034-10037

2. DATE COLLECTED
3/12/82

3. REGION
10

4. EPA REG. NO.

5. ESTABLISHMENT NO.

6. DESCRIPTION OF SAMPLE

3 X 16 ml vials of oil and 1 empty vial (blank)

7. NAME AND ADDRESS OF ESTABLISHMENT WHERE SAMPLE WAS COLLECTED (Include ZIP code)

National Electric Coil
Spokane Service Center, McGraw-Edison
415 N. Fancher Rd.
Spokane, WA 99220

8. PRODUCT NAME

9. LOT OR CODE NUMBER(S)

10. NAME AND ADDRESS OF PRODUCER (If different from 7 above)

11. RESULTS OF ANALYSIS

Analyzed three oil samples and one empty vial for PCBs including 1221, 1232, 1242, 1248, 1254, 1260 and 1016 by GC/EC with dual column confirmation:

#10034 (Sub A) - <1 ppm Aroclor 1254

10035 (Sub B) - 134 ppm Aroclor 1254

10036 (Sub C) - <1 ppm Aroclor 1254

10037 (empty vial) - Not Detected

Analyst: R. H. Rieck, Chemist *R.H.R.*

12. LABORATORY COMMENTS

13. SIGNATURE OF LAB SUPERVISOR

R.H.R. for *A.P.D.*

14. LABORATORY

EPA Region 10

15. DATE

4/31/82

NATL Electronic Coil

3-12-52



Storage yd.

MAH82P7

17

NATL Electronic Coil

3-12-52



WATER DRUMS - RESINS?

MAH82P7

18

NATURAL Electronic Coil

Storage yd. 3-12-52



WATER REQUIREMENT?

MAH82P7

19

NATURAL Electronic Coil

3-12-52



WATER yd. -
Sample # 225157 SUB B

MAH82P7

NATURAL Electronic Coil

2

3-12-52



Sample # 225157 SUB C

MAH82P7

NATURAL Electronic Coil

3-12-52



Sample # 225157 SUB C

3

Natl Electronic Coil

3-12-52



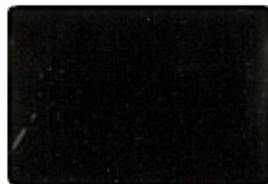
Transformer for
Sample # 225157 SUB C

MAH82P7

6

Natl Electronic Coil

3-12-52



Transformer for
Sample # 225157 SUB C

MAH82P7

NATL Electronic Coil

20

3-12-52



Sample # 225157 SUB A

MAH82P7

Natl Electronic Coil

3-12-52



Transformer for
Sample # 225157 SUB C

MAH82P7

4

§ 750.41

(2) The persons to be cross-examined on each issue;

(3) The persons to be allowed to conduct cross-examination; and

(4) Time limits for the examination of each witness by each cross-examiner.

(c) In issuing this ruling, the panel may determine that one or more participants who have requested cross-examination have the same or similar interests and should be required to choose a single representative for purposes of cross-examination by that single representative without identifying the representative further. Subpoenas for witnesses may be issued where necessary.

(d) Within one week after the insertion into the record of the ruling under paragraph (b), the hearing at which the cross-examination will be conducted will begin. One or more members of the original panel will preside for EPA. The panel will have authority to conduct cross-examination on behalf of any participant, although as a general rule this right will not be exercised. The panel will also have authority to modify the governing ruling in any respect and to make new rulings on group representation under section 6(c)(3)(C) of TSCA. A verbatim transcript of the hearing will be made.

(e)(1) No later than the time set for requesting cross-examination, a hearing participant may request that other alternative methods of clarifying the record (such as informal conferences or the submittal of additional information) be used. Such requests may be submitted either in lieu of cross-examination requests, or in conjunction with them.

(2) The panel in passing on a cross-examination request may, as a precondition to ruling on its merits, require that alternative means of clarifying the record be used whether or not that has been requested under paragraph (e)(1) of this section. In such a case, the results of the use of such alternative means will be made available to the person requesting cross-examination for a one-week comment period, and the panel will make a final ruling on cross-examination within one week thereafter.

Title 40—Protection of Environment

(f) Waivers or extensions of any deadline in this section applicable to persons other than EPA may be granted on the record of the hearing by the person chairing it or in writing by the Hearing Chairman.

§ 750.41 Final rule.

(a) As soon as feasible after the deadline for submittal of reply comments, EPA will issue a final rule. EPA will also publish at that time:

(1) A list of all material added to the record (other than public comments and material from the hearing record) which has not previously been listed in a FEDERAL REGISTER document, and

(2) The effective date of the rule.

(b) Pursuant to the delegation of authority made in the Preamble to the Final Regulation for the PCB Manufacturing, Processing, Distribution in Commerce and Use Prohibitions, the Assistant Administrator for Toxic Substances will grant or deny petitions under section 6(e)(3)(B) of TSCA submitted pursuant to § 750.31. The Assistant Administrator will act on such petitions subsequent to opportunity for an informal hearing pursuant to this rule.

(c) In determining whether to grant an exemption to the PCB ban, EPA will apply the two standards enunciated in section 6(e)(3)(B) of TSCA.

PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS

Subpart A—General

Sec.

761.1 Applicability.

761.3 Definitions.

761.19 References.

Subpart B—Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items

761.20 Prohibitions.

761.30 Authorizations.

Subpart C—Marking of PCBs and PCB Items

761.40 Marking requirements.

761.45 Marking formats.

Sec.

Subpart D—Storage and Disposal

- 761.60 Disposal requirements.
- 761.65 Storage for disposal.
- 761.70 Incineration.
- 761.75 Chemical waste landfills.
- 761.79 Decontamination.

Subparts E—I—[Reserved]

Subpart J—Records and Reports

- 761.180 Records and Monitoring.
- 761.185 Certification program and retention of special records by persons generating PCBs in closed manufacturing processes and controlled waste manufacturing processes.

AUTHORITY: Secs. 6, 8, and 12, Toxic Substances Control Act, 15 U.S.C. 2605, 2607, and 2611.

SOURCE: 44 FR 31542, May 31, 1979, unless otherwise noted.

Subpart A—General

§ 761.1 Applicability.

(a) This part establishes prohibitions of, and requirements for, the manufacture, processing, distribution in commerce, use, disposal, storage, and marking of PCBs and PCB Items.

(b) This part applies to all persons who manufacture, process, distribute in commerce, use, or dispose of PCBs or PCB Items. Unless it is otherwise specifically provided, the terms PCB and PCBs are used in this rule to refer to any chemical substances and combinations of substances that contain 50 ppm (on a dry weight basis) or greater of PCBs, as defined in § 761.3(s), including any byproduct, intermediate, or impurity manufactured at any point in a process. Any chemical substances and combinations of substances that contain less than 50 ppm PCBs because of any dilution, shall be included as PCB and PCBs unless otherwise specifically provided. Substances that are regulated by this rule include, but are not limited to, dielectric fluids, contaminated solvents, oils, waste oils, heat transfer fluids, hydraulic fluids, paints, sludges, slurries, dredge spoils, soils, materials contaminated as a result of spills, and other chemical substances or combination of substances, including impurities and byproducts.

(c) Definitions of the terms used in these regulations are in Subpart A. The basic requirements applicable to disposal and marking of PCBs and PCB Items are set forth in Subpart D—Disposal of PCBs and PCB Items and in Subpart C—Marking of PCBs and PCB Items. Prohibitions applicable to PCB activities are set forth in Subpart B—Manufacture, Processing, Distribution in Commerce, and Use of PCBs and PCB Items. Subpart B also includes authorizations from the prohibitions. Subparts C and D set forth the specific requirements for disposal and marking of PCBs and PCB Items.

(d) Section 15 of the Toxic Substances Control Act (TSCA) states that failure to comply with these regulations is unlawful. Section 16 imposes liability for civil penalties upon any person who violates these regulations, and the Administrator can establish appropriate remedies for any violations subject to any limitations included in section 16 of TSCA. Section 16 also subjects a person to criminal prosecution for a violation which is knowing or willful. In addition, section 17 authorizes Federal district courts to enjoin activities prohibited by these regulations, compel the taking of actions required by these regulations, and issue orders to seize PCBs and PCB Items manufactured, processed or distributed in violation of these regulations.

(e) These regulations do not preempt other more stringent Federal statutes and regulations.

(f) Persons who manufacture, process, distribute in commerce, or use PCBs generated as byproducts, impurities or intermediates in closed and controlled waste manufacturing processes (as defined in § 761.3 (jj) and (kk)) are exempt from the requirements of Subpart B. To qualify for this exclusion, such processes must also fully comply with § 761.185.

[44 FR 31542, May 31, 1979, as amended at 47 FR 46995, Oct. 21, 1982]

§ 761.3 Definitions.

For the purpose of this part:

(a) "Administrator" means the Administrator of the Environmental Protection Agency, or any employee of

§ 761.3

the Agency to whom the Administrator may either herein or by order delegate his authority to carry out his functions, or any person who shall by operation of law be authorized to carry out such functions.

(b) "Agency" means the United States Environmental Protection Agency.

(c) "Byproduct" means a chemical substance produced without separate commercial intent during the manufacturing or processing of another chemical substance(s) or mixture(s).

(d) "Capacitor" means a device for accumulating and holding a charge of electricity and consisting of conducting surfaces separated by a dielectric. Types of capacitors are as follows:

(1) "Small capacitor" means a capacitor which contains less than 1.36 kg (3 lbs.) of dielectric fluid. The following assumptions may be used if the actual weight of the dielectric fluid is unknown. A capacitor whose total volume is less than 1,639 cubic centimeters (100 cubic inches) may be considered to contain less than 1.36 kg (3 lbs.) of dielectric fluid and a capacitor whose total volume is more than 3,278 cubic centimeters (200 cubic inches) must be considered to contain more than 1.36 kg (3 lbs.) of dielectric fluid. A capacitor whose volume is between 1,639 and 3,278 cubic centimeters may be considered to contain less than 1.36 kg (3 lbs.) of dielectric fluid if the total weight of the capacitor is less than 4.08 kg (9 lbs.).

(2) "Large high voltage capacitor" means a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric fluid and which operates at 2000 volts (a.c. or d.c.) or above.

(3) "Large low voltage capacitor" means a capacitor which contains 1.36 kg (3 lbs.) or more of dielectric fluid and which operates below 2000 volts (a.c. or d.c.).

(e)(1) "Chemical substance", except as provided in paragraph (e)(2) of this section, means any organic or inorganic substance of a particular molecular identity, including:

(i) Any combination of such substances occurring in whole or part as a result of a chemical reaction or occurring in nature, and

Title 40—Protection of Environment

(ii) Any element or uncombined radical.

(2) Such term does not include:

(i) Any mixture.

(ii) Any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide.

(iii) Tobacco or any tobacco product.

(iv) Any source material, special nuclear material, or by product material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act).

(v) Any article the sale of which is subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or section 4221 or any provisions of such Code), and

(vi) Any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device.

(f) "Chemical waste landfill" means a landfill at which protection against risk of injury to health or the environment from migration of PCBs to land, water, or the atmosphere is provided from PCBs and PCB Items deposited therein by locating, engineering, and operating the landfill as specified in § 761.75.

(g) "Commerce" means trade, traffic, transportation, or other commerce:

(1) Between a place in a State and any place outside of such State, or

(2) Which affects trade, traffic, transportation, or commerce described in paragraph (g)(1) of this section.

(h) "Disposal" means intentionally or accidentally to discard, throw away, or otherwise complete or terminate the useful life of PCBs and PCB Items. Disposal includes spills, leaks, and other uncontrolled discharges of PCBs as well as actions related to containing, transporting, destroying, degrading, decontaminating, or confining PCBs and PCB Items.

(i) "Distribute in commerce" and "Distribution in Commerce" when used to describe an action taken with respect to a chemical substance, mix-

ture, or article containing a substance or mixture means to sell, or the sale of, the substance, mixture, or article in commerce; to introduce or deliver for introduction into commerce, or the introduction or delivery for introduction into commerce of the substance, mixture, or article; or to hold or the holding of, the substance, mixture, or article after its introduction into commerce.

(j) "Fluorescent light ballast" means a device that electrically controls fluorescent light fixtures and that includes a capacitor containing 0.1 kg or less of dielectric.

(k) "Impurity" means a chemical substance which is unintentionally present with another chemical substance.

(l) "Incinerator" means an engineered device using controlled flame combustion to thermally degrade PCBs and PCB Items. Examples of devices used for incineration include rotary kilns, liquid injection incinerators, cement kilns, and high temperature boilers.

(m) "Leak" or "leaking" means any instance in which a PCB Article, PCB Container, or PCB Equipment has any PCBs on any portion of its external surface.

(n) "Manufacture" means to produce, manufacture, or import into the customs territory of the United States.

(o) "Mark" means the descriptive name, instructions, cautions, or other information applied to PCBs and PCB Items, or other objects subject to these regulations.

(p) "Marked" means the marking of PCB Items and PCB storage areas and transport vehicles by means of applying a legible mark by painting, fixation of an adhesive label, or by any other method that meets the requirements of these regulations.

(q) "Mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical sub-

stance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.

(r) "Municipal solid wastes" means garbage, refuse, sludges, wastes, and other discarded materials resulting from residential and non-industrial operations and activities, such as household activities, office functions, and commercial housekeeping wastes.

(s) "PCB" and "PCBs" means any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance. (See § 761.1(b) Applicability for applicable concentrations of PCBs). PCB and PCBs as contained in PCB Items are defined in § 761.3(x).

(t) "PCB Article" means any manufactured article, other than a PCB Container, that contains PCBs and whose surface(s) has been in direct contact with PCBs. "PCB Article" includes capacitors, transformers, electric motors, pumps, pipes and any other manufactured item (1) which is formed to a specific shape or design during manufacture, (2) which has end use function(s) dependent in whole or in part upon its shape or design during end use, and (3) which has either no change of chemical composition during its end use or only those changes of composition which have no commercial purpose separate from that of the PCB Article.

(u) "PCB Article Container" means any package, can, bottle, bag, barrel, drum, tank or other device used to contain PCB Articles or PCB Equipment, and whose surface(s) has not been in direct contact with PCBs.

(v) "PCB Container" means any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB Articles and whose surface(s) has been in direct contact with PCBs.

(w) "PCB Equipment" means any manufactured item, other than a PCB Container or a PCB Article Container, which contains a PCB Article or other PCB Equipment, and includes micro-

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wave ovens, electronic equipment, and fluorescent light ballasts and fixtures.

(x) "PCB Item" is defined as any PCB Article, PCB Article Container, PCB Container, or PCB Equipment, that deliberately or unintentionally contains or has as a part of it any PCB or PCBs at a concentration of 50 ppm or greater.

(y) "PCB Transformer" means any transformer that contains 500 ppm PCB or greater.

(z) "PCB-Contaminated Electrical Equipment" means any electrical equipment, including but not limited to transformers (including those used in railway locomotives and self-propelled cars), capacitors, circuit breakers, reclosers, voltage regulators, switches (including sectionalizers and motor starters), electromagnets, and cable, that contain 50 ppm or greater PCB, but less than 500 ppm PCB. Oil-filled electrical equipment other than circuit breakers, reclosers, and cable whose PCB concentration is unknown must be assumed to be PCB-Contaminated Electrical Equipment. (See § 761.30(a) and (h) for provisions permitting reclassification of electrical equipment containing 500 ppm or greater PCBs to PCB-Contaminated Electrical Equipment).

(aa) "Person" means any natural or judicial person including any individual, corporation, partnership, or association; any State or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the Federal Government.

(bb) "Process" means the preparation of a chemical substance or mixture, after its manufacture, for distribution in commerce:

(1) In the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing such substance or mixture, or

(2) As part of an article containing the chemical substance or mixture.

(cc) "Sale for purposes other than resale" means sale of PCBs for purposes of disposal and for purposes of use, except where use involves sale for distribution in commerce. PCB Equipment which is first leased for purposes of use any time before July 1, 1979,

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will be considered sold for purposes other than resale.

(dd) "Significant exposure" means any exposure of human beings or the environment to PCBs as measured or detected by any scientifically acceptable analytical method.

(ee) "Small quantities for research and development" means any quantity of PCBs (1) that is originally packaged in one or more hermetically sealed containers of a volume of no more than five (5.0) milliliters, and (2) that is used only for purposes of scientific experimentation or analysis, or chemical research on, or analysis of, PCBs, but not for research or analysis for the development of a PCB product.

(ff) "Storage for disposal" means temporary storage of PCBs that have been designated for disposal.

(gg) "Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (e.g., trailer, railroad freight car) is a separate transport vehicle.

(hh) "Totally enclosed manner" means any manner that will ensure that any exposure of human beings or the environment to any concentration of PCBs will be insignificant; that is, not measurable or detectable by any scientifically acceptable analytical method.

(ii) "Waste oil" means used products primarily derived from petroleum, which include, but are not limited to, fuel oils, motor oils, gear oils, cutting oils, transmission fluids, hydraulic fluids, and dielectric fluids.

(jj) "Closed manufacturing process" means a manufacturing process in which PCBs are generated but from which less than 10 micrograms per cubic meter from any resolvable gas chromatographic peak are contained in any release to air; less than 100 micrograms per liter from any resolvable gas chromatographic peak are contained in any release to water; and less than 2 micrograms per gram from any resolvable gas chromatographic peak are contained in any product, or any process waste.

(kk) "Controlled waste manufacturing process" means a manufacturing process in which PCBs are generated but from which less than 10 micro-

grams per cubic meter from any resolvable gas chromatographic peak are contained in any release to air; less than 100 micrograms per liter from any resolvable gas chromatographic peak are contained in any release to water; less than 2 micrograms per gram from any resolvable gas chromatographic peak are contained in any product, and the remainder of PCBs generated are incinerated in a qualified incinerator, landfilled in a landfill approved under the provisions of § 761.75, or stored for such incineration or landfilling in accordance with the requirements of § 761.65(b)(1).

(ll) "Posing an exposure risk to food or feed" means being in any location where human food or animal feed products could be exposed to PCBs released from a PCB Item. A PCB Item poses an exposure risk to food or feed if PCBs released in any way from the PCB Item have a potential pathway to human food or animal feed. EPA considers human food or animal feed to include items regulated by the U.S. Department of Agriculture or the Food and Drug Administration as human food or animal feed; this includes direct additives. Food or feed is excluded from this definition if it is used or stored in private homes.

(mm) "Manufacturing process" means all of a series of unit operations operating at a site, resulting in the production of a product.

(nn) "Qualified incinerator" means one of the following:

(1) An incinerator approved under the provisions of § 761.70. Any concentration of PCBs can be destroyed in an incinerator approved under § 761.70.

(2) A high efficiency boiler approved under the provisions of § 761.60(a)(3). Only PCBs in concentrations below 500 ppm can be destroyed in a high-efficiency boiler approved under § 761.60(a)(3).

(3) An incinerator approved under section 3005(c) of the Resource Conservation and Recovery Act (42 U.S.C. 6925(c)) (RCRA). Only PCBs in concentrations below 50 ppm can be destroyed in a RCRA-approved incinerator. The manufacturer seeking to qualify a process as a controlled waste process by disposing of wastes in a RCRA-approved incinerator must

make a determination that the incinerator is capable of destroying less readily burned compounds than the PCB homologs to be destroyed. The manufacturer may use the same guidance used by EPA in making such a determination when issuing an approval under section 3005(c) of RCRA. The manufacturer is also responsible for obtaining a reasonable assurance that the incinerator, when burning PCB wastes, will be operated under conditions which have been shown to enable the incinerator to destroy the less readily burned compounds.

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982, and amended at 47 FR 37356, Aug. 25, 1982; 47 FR 46995, Oct. 21, 1982; 47 FR 54437, Dec. 3, 1982; 48 FR 4467, Feb. 1, 1983]

§ 761.19 References.

(a) [Reserved]

(b) *Incorporations by reference.* The following material is incorporated by reference, and is available for inspection at the Office of the Federal Register Information Center, Rm. 8301, 1100 L St. NW., Washington, DC 20408. These incorporations by reference were approved by the Director of the Office of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the FEDERAL REGISTER. Copies of the incorporated material may be obtained from the Environmental Protection Agency Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, EPA, Rm. 106, 401 M St., SW., Washington, D.C. 20460, and from the American Society for Testing and Materials (ASTM), 1916 Race Street, Philadelphia, PA 1910

	CFR Citation
ASTM D93-77 Standard Test Method for Flash Point by Pensky-Martens Closed Tester	§ 761.60(a)(3)(ii)(B)(6), § 761.75(b)(8)(ii).
ASTM D129-64 (Reapproved 1978) Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)	§ 761.60(a)(3)(ii)(B)(6)

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	CFR Citation
ASTM D240-76 (Reapproved 1980) Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuel by Bomb Calorimeter	§ 761.60(a)(3)(ii)(B)(d)
ASTM D482-74 Standard Test Method for Ash from Petroleum Products	§ 761.60(a)(3)(ii)(B)(d)
ASTM D-524-81 Standard Test Method for Ramsbottom Carbon Residue of Petroleum Products	§ 761.60(a)(3)(ii)(B)(d)
ASTM D-808-81 Standard Test Method for Chlorine in New and Used Petroleum Products (Bomb Method)	§ 761.60(a)(3)(ii)(B)(d)
ASTM D-923-81 Standard Test Method for Sampling Electrical Insulating Liquids	§ 762.60(g)(1)(ii); § 761.60(g)(2)(ii)
ASTM D1266-70 (Reapproved 1975) Standard Test Method for Sulfur in Petroleum Products (Lamp Method)	§ 761.60(a)(3)(ii)(B)(d)
ASTM D1796-68 (Reapproved 1977) Standard Test Methods for Water and Sediment in Crude Oils and Fuel Oils by Centrifuge	§ 761.60(a)(3)(ii)(B)(d)
ASTM D2158-65 (Reapproved 1975) Standard Test Method for Residues in Liquefied Petroleum (LP) Gas	§ 761.60(a)(3)(ii)(B)(d)
ASTM D2709-68 (Reapproved 1977) Standard Test Method for Water and Sediment in Distillate Fuel by Centrifuge	§ 761.60(a)(3)(ii)(B)(d)
ASTM D2784-70 (Reapproved 1975) Standard Test Method for Sulfur in Liquefied Petroleum Gases (Oxyhydrogen Burner or Lamp)	§ 761.60(a)(3)(ii)(B)(d)
ASTM D3178-73 (Reapproved 1979) Standard Test Methods for Carbon and Hydrogen in the Analysis Sample of Coke and Coal	§ 761.60(a)(3)(ii)(B)(d)
ASTM D3278-73 Standard Test Methods for Flash Point of Liquid by Setflash Closed Tester	§ 761.75(b)(8)(iii)
ASTM E258-67 (Reapproved 1977) Standard Test Method for Total Nitrogen Inorganic Material by Modified KJELDAHL Method	§ 761.60(a)(3)(ii)(B)(d)

[47 FR 22098, May 21, 1982, as amended at 48 FR 5730, Feb. 8, 1983]

Title 40—Protection of Environment

Subpart B—Manufacturing, Processing, Distribution in Commerce, and Use of PCBs and PCB Items

§ 761.20 Prohibitions.

Except as authorized in § 761.30 the activities listed in paragraphs (a) and (d) of this section are prohibited pursuant to section 6(e)(2) of TSCA. The requirements set forth in paragraphs (b) and (c) of this section concerning export and import of PCBs for purposes of disposal and PCB Items for purposes of disposal are established pursuant to section 6(e)(1) of TSCA. Subject to any exemptions granted pursuant to section 6(e)(3)(B) of TSCA, the activities listed in paragraphs (b) and (c) of this section are prohibited pursuant to section 6(e)(3)(A) of TSCA. In addition, the Administrator hereby finds, under the authority of section 12(a)(2) of TSCA, that the manufacture, processing, and distribution in commerce of PCBs and PCB Items for export from the United States presents an unreasonable risk of injury to health within the United States. This finding is based upon the well-documented human health and environmental hazard of PCB exposure; the high probability of human and environmental exposure to PCBs and PCB Items from manufacturing, processing, or distribution activities; the potential hazard of PCB exposure posed by the transportation of PCBs or PCB Items within the United States; and the evidence that contamination of the environment by PCBs is spread far beyond the areas where they are used. In addition, the Administrator hereby finds that any exposure of human beings or the environment to PCBs as measured or detected by any scientifically acceptable analytical method is a significant exposure, as defined in § 761.3(dd). Section 761.3(hh) and TSCA section 6(e)(2)(C) define the term totally enclosed manner as "any manner which will ensure that any exposure of human beings or the environment to a polychlorinated biphenyl will be insignificant * * *." Since any exposure to PCBs is found to be a significant exposure, a totally enclosed manner is a manner that results in no exposure of

humans or the environment to PCBs. The following activities are considered totally enclosed: distribution in commerce of intact, nonleaking electrical equipment such as transformers (including transformers used in railway locomotives and self-propelled cars), capacitors, electromagnets, voltage regulators, switches (including sectionalizers and motor starters), circuit breakers, reclosers, and cable that contain PCBs at any concentration and processing and distribution in commerce of PCB Equipment containing an intact, nonleaking PCB Capacitor. See paragraph (c) (1) of this section for provisions allowing the distribution in commerce of PCBs and PCB Items.

(a) No person may process, distribute in commerce, or use any PCB or PCB Item in any manner other than in a totally enclosed manner within the United States or export any such PCB or PCB Item from the United States unless authorized under § 761.30 of this subpart. Paragraph (a) of this section is superseded by paragraph (c) for processing and distribution in commerce of PCBs and PCB Items on the dates when that section becomes effective.

(b) No person may manufacture PCBs for use within the United States or manufacture PCBs for export from the United States without an exemption except that:

(1) PCBs or PCB Items may be imported for purposes of disposal until May 1, 1980, provided that the disposal is in accordance with § 761.60; and

(2) PCBs or PCB Items may be exported for disposal until May 1, 1980, in accordance with the requirements of paragraph (c)(3) of this section.

(c) Effective July 1, 1979, no person may process or distribute in commerce any PCB or PCB Item for use within the United States or for export from the United States without an exemption except that:

(1) PCBs or PCB Items sold before July 1, 1979, for purposes other than resale may be distributed in commerce only in a totally enclosed manner after that date;

(2) PCBs or PCB Items may be processed and distributed in commerce in compliance with the requirements of

this part for purposes of disposal in accordance with the requirements of § 761.60;

(3) PCBs or PCB Items may be exported for disposal until May 1, 1980, if an export notice is submitted at least thirty (30) days before the first shipment in any calendar year leaves the customs territory of the United States. Export notices must be submitted to the Document Control Officer (TS-793), Office of Toxic Substances, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The generator of the PCB waste material intended for disposal, or an agent acting on his behalf, must certify to the best of his knowledge and belief that the information is complete and accurate. Each notice should contain the following information:

(i) Name, company name, address, and telephone number of the owner of the PCB waste material to be exported and the name and address of any person or agent acting on his behalf;

(ii) Estimated quantity of wastes to be shipped during the calendar year and the estimated number of shipments to be made and the dates when such shipments are expected to leave the customs territory of the United States;

(iii) Description of the PCBs or PCB Items being exported;

(iv) Country(s) of destination for the shipments;

(v) Name and address of facility(s) receiving the shipment and person(s) responsible for receiving the shipment(s);

(vi) Method(s) of disposal and precautions taken to control release into the environment.

(vii) No less than 30 days after the end of each calendar quarter (March 31, June 30, September 30, and December 31) during which PCBs were exported for disposal, each person exporting the PCBs must submit a report to the Document Control Officer (TS-793), Office of Toxic Substances, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. The report shall list the quantity of PCB wastes in each shipment made during the quarter and include the date when

each shipment left the customs territory of the United States and the information specified in paragraphs (c)(3)(i) and (iii) through (vi) of this section. If the quantity of wastes shipped during the calendar year exceeds by 25 percent or more the estimated quantities reported in paragraph (c)(3)(ii) of this section, a special export notice must be submitted to the Document Control Officer (TS-793) at the address given in paragraph (c)(3) at least 30 days before any additional shipments leave the customs territory of the United States and the notice shall include the information specified in paragraphs (c)(3) (i) through (vi) of this section.

(viii) Any person expecting to export PCB wastes for disposal in calendar year 1980 must submit an export notice at least thirty (30) days before the first shipment leaves the customs territory of the United States to the Document Control Officer (TS-793) at the address given in paragraph (c)(3) of this section, and the notice shall contain the information listed in paragraphs (c)(3) (i) through (vi) of this section.

(d) The use of waste oil that contains any detectable concentration of PCB as a sealant, coating, or dust control agent is prohibited. Prohibited uses include, but are not limited to, road oiling, general dust control, use as a pesticide or herbicide carrier, and use as a rust preventative on pipes.

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982, and amended at 47 FR 37356, Aug. 25, 1982]

§ 761.30 Authorizations.

The following non-totally enclosed PCB activities are authorized pursuant to section 6(e)(2)(B) of TSCA:

(a) *Use in and servicing of transformers (other than railroad transformers).* PCBs at any concentration may be used in transformers (other than transformers for railroad locomotives and self-propelled railroad cars) and may be used for purposes of servicing including rebuilding these transformers for the remainder of their useful lives, subject to the following conditions:

(1) *Use conditions.* (i) After October 1, 1985, the use and storage for reuse

of PCB Transformers that pose an exposure risk to food or feed is prohibited.

(ii) A visual inspection of each PCB Transformer (as defined in § 761.3(y)) in use or stored for reuse shall be performed at least once every three months. These inspections may take place any time during the three month periods: January-March, April-June, July-September, and October-December as long as there is a minimum of 30 days between inspections. The visual inspection must include investigation for any leak of dielectric fluid on or around the transformer. The extent of the visual inspections will depend on the physical constraints of each transformer installation and should not require an electrical shutdown of the transformer being inspected.

(iii) If a PCB Transformer is found to have a leak which results in any quantity of PCBs running off or about to run off the external surface of the transformer, then the transformer must be repaired or replaced to eliminate the source of the leak. In all cases any leaking material must be cleaned up and properly disposed of according to disposal requirements of § 761.60. Cleanup of the released PCBs must be initiated as soon as possible, but in no case later than 48 hours of its discovery. Until appropriate action is completed, any active leak of PCBs must be contained to prevent exposure of humans or the environment and inspected daily to verify containment of the leak. Trenches, dikes, buckets, and pans are examples of proper containment measures.

(iv) Records of inspection and maintenance history shall be maintained at least 3 years after disposing of the transformer and shall be made available for inspection, upon request, by EPA (OMB Control Number: 2070-0003). Such records shall contain the following information for each PCB Transformer:

(A) Its location.

(B) The date of each visual inspection and the date that a leak was discovered, if different from the inspection date.

(C) The person performing the inspection.

(D) The location of any leak(s).

(E) An estimate of the amount of dielectric fluid released from any leak.

(F) The date of any cleanup, containment, repair, or replacement.

(G) A description of any cleanup, containment, or repair performed.

(H) The results of any containment and daily inspection required for uncorrected active leaks.

(v) A reduced visual inspection frequency of at least once every 12 months applies to PCB Transformers that utilize either of the following risk reduction measures. These inspections may take place any time during the calendar year as long as there is a minimum of 180 days between inspections.

(A) A PCB Transformer which has impervious, undrained, secondary containment capacity of at least 100 percent of the total dielectric fluid volume of all transformers so contained, or

(B) A PCB Transformer which has been tested and found to contain less than 60,000 ppm PCBs (after three months of inservice use if the transformer has been serviced for purposes of reducing the PCB concentration).

(vi) An increased visual inspection frequency of at least once every week applies to any PCB Transformer in use or stored for reuse which poses an exposure risk to food or feed. The user of a PCB Transformer posing an exposure risk to food or feed is responsible for the inspection, recordkeeping, and maintenance requirements under this section until the user notifies the owner that the transformer may pose an exposure risk to food or feed. Following such notification, it is the owner's ultimate responsibility to determine whether the PCB Transformer poses an exposure risk to food or feed.

(2) *Servicing conditions.* (i) Transformers classified as PCB-Contaminated Electrical Equipment (as defined in § 761.3(z)) may be serviced (including rebuilding) only with dielectric fluid containing less than 500 ppm PCB.

(ii) Any servicing (including rebuilding) of PCB Transformers (as defined in § 761.3(y)) that requires the removal of the transformer coil from the transformer casing is prohibited. PCB

Transformers may be serviced (including topping off) with dielectric fluid at any PCB concentration.

(iii) PCBs removed during any servicing activity must be captured and either reused as dielectric fluid or disposed of in accordance with the requirements of § 761.60. PCBs from PCB Transformers must not be mixed with or added to dielectric fluid from PCB-Contaminated Electrical Equipment.

(iv) Regardless of its PCB concentration, dielectric fluids containing less than 500 ppm PCB that are mixed with fluids that contain 500 ppm or greater PCB must not be used as dielectric fluid in any electrical equipment. The entire mixture of dielectric fluid must be considered to be greater than 500 ppm PCB and must be disposed of in an incinerator that meets the requirements in § 761.70.

(v) A PCB Transformer may be converted to PCB-Contaminated Electrical Equipment or to a non-PCB Transformer and a transformer that is classified as PCB-Contaminated Electrical Equipment may be reclassified to a non-PCB Transformer by draining, refilling and/or otherwise servicing the transformer. In order to reclassify, the transformer's dielectric fluid must contain less than 500 ppm PCB (for conversion to PCB-Contaminated Electrical Equipment) or less than 50 ppm PCB (for conversion to a non-PCB Transformer) after a minimum of three months of in-service use subsequent to the last servicing conducted for the purpose of reducing the PCB concentration in the transformer. In-service means that the transformer is used electrically under loaded conditions that raise the temperature of the dielectric fluid to at least 50° Centigrade. The Assistant Administrator may grant, without further rulemaking, approval for the use of alternative methods that simulate the loaded conditions of in-service use. All PCBs removed from transformers for purposes of reducing PCB concentrations are subject to the disposal requirements of § 761.60.

(vi) Any dielectric fluid containing 50 ppm or greater PCB used for servicing transformers must be stored in ac-

cordance with the storage for disposal requirements of § 761.65.

(vii) Processing and distribution in commerce of PCBs for purposes of servicing transformers is permitted only for persons who are granted an exemption under TSCA 6(e)(3)(B).

(b) *Use in and servicing of railroad transformers.* PCBs may be used in transformers in railroad locomotives or railroad self-propelled cars ("railroad transformers") and may be processed and distributed in commerce for purposes of servicing these transformers in a manner other than a totally enclosed manner subject to the following conditions:

(1) *Use restrictions.* (i) After July 1, 1983, the number of railroad transformers containing a PCB concentration greater than 60,000 ppm (6.0 percent on a dry weight basis) in use by any affected railroad organization may not exceed two-thirds of the total railroad transformers containing PCBs in use by that organization on January 1, 1982.

(ii) After January 1, 1984, the number of railroad transformers containing a PCB concentration greater than 60,000 ppm in use by any affected railroad organization may not exceed one-third of the total railroad transformers containing PCBs in use by that organization on January 1, 1982.

(iii) After July 1, 1984, use of railroad transformers that contain dielectric fluids with a PCB concentration greater than 60,000 ppm is prohibited.

(iv) After July 1, 1985, the number of railroad transformers containing a PCB concentration greater than 1,000 ppm (0.1 percent on a dry weight basis) in use by any affected railroad organization may not exceed two-thirds of the total railroad transformers containing PCBs in use by that organization on July 1, 1984.

(v) After January 1, 1986, the number of railroad transformers containing a PCB concentration greater than 1,000 ppm in use by any affected railroad organization may not exceed one-third of the total railroad transformers containing PCBs in use by that organization on July 1, 1984.

(vi) After July 1, 1986, use of railroad transformers that contain dielec-

tric fluids with a PCB concentration greater than 1,000 ppm is prohibited.

(vii) The concentration of PCBs in the dielectric fluid contained in railroad transformers must be measured:

(A) Immediately upon completion of any authorized servicing of a railroad transformer conducted for the purpose of reducing the PCB concentration in the dielectric fluid in the transformer, and

(B) Between 12 and 24 months after each servicing conducted in accordance with paragraph (b)(1)(vii)(A) of this section;

(C) The data obtained as a result of paragraphs (b)(1)(vii) (A) and (B) of this section shall be retained until January 1, 1991.

(2) *Servicing restrictions.* (i) If the coil is removed from the casing of a railroad transformer (e.g., the transformer is rebuilt), after January 1, 1982, the railroad transformer may not be refilled with dielectric fluid containing a PCB concentration greater than 50 ppm;

(ii) After January 1, 1982, railroad transformers may only be serviced with dielectric fluid containing less than 60,000 ppm PCBs, except as provided in paragraph (b)(2)(i) of this section;

(iii) After January 1, 1984, railroad transformers may only be serviced with dielectric fluid containing less than 1000 ppm PCB, except as provided in paragraph (b)(2)(i) of this section;

(iv) Dielectric fluid may be filtered through activated carbon or otherwise industrially processed for the purpose of reducing the PCB concentration in the fluid;

(v) Any PCB dielectric fluid that is used to service PCB railroad transformers must be stored in accordance with the storage for disposal requirements of § 761.65;

(vi) After July 1, 1979, processing and distribution in commerce of PCBs for purposes of servicing railroad transformers is permitted only for persons who are granted an exemption under TSCA section 6(e)(3)(B).

(vii) A PCB Transformer may be converted to a PCB-Contaminated Transformer or to a non-PCB Transformer by draining, refilling, and/or

otherwise servicing the railroad transformer. In order to reclassify, the railroad transformer's dielectric fluid must contain less than 500 ppm (for conversion to PCB-Contaminated Transformer) or less than 50 ppm PCB (for conversion to a non-PCB Transformer) after a minimum of three months of inservice use subsequent to the last servicing conducted for the purpose of reducing the PCB concentration in the transformer.

(c) *Use in and servicing of mining equipment.* PCBs may be used in mining equipment and may be processed and distributed in commerce for purposes of servicing mining equipment in a manner other than a totally enclosed manner until January 1, 1982, subject to the following conditions:

(1) PCBs may be added to motors in mining equipment in mines or mining areas until January 1, 1982;

(2) PCB motors in loader-type mining equipment must be rebuilt as air-cooled or other non-PCB-containing motors whenever the motor is returned to a service shop for servicing;

(3) PCB motors in continuous miner-type equipment may be rebuilt as PCB motors until January 1, 1980;

(4) Any PCBs that are on hand to service or repair mining equipment must be stored in accordance with the storage for disposal requirements of § 761.65;

(5) After July 1, 1979, processing and distribution in commerce of PCBs for purposes of servicing mining equipment is permitted only for persons who are granted an exemption under TSCA section 6(e)(3)(B).

(d) *Use in heat transfer systems.* PCBs may be used in heat transfer systems in a manner other than a totally enclosed manner until July 1, 1984, subject to the following conditions:

(1) Each person who owns a heat transfer system that ever contained PCBs must test for the concentration of PCBs in the heat transfer fluid of such a system no later than November 1, 1979, and at least annually thereafter. All test sampling must be performed at least three months after the most recent fluid refilling. When a test shows that the PCB concentration

is less than 50 ppm, testing under this paragraph is no longer required;

(2) Within six (6) months of a test performed under paragraph (d)(1) that indicates that a system's fluid contains 50 ppm or greater PCB (0.005% on a dry weight basis), the system must be drained of the PCBs and refilled with fluid containing less than 50 ppm PCB. Topping-off with non-PCB heat transfer fluids to reduce PCB concentrations is permitted;

(3) After November 1, 1979, no heat transfer system that is used in the manufacture or processing of any food, drug, cosmetic, or device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act, may contain heat transfer fluid with 50 ppm or greater PCB (0.005% on a dry weight basis);

(4) Addition of PCBs to a heat transfer system is prohibited.

(5) Data obtained as a result of paragraph (d)(1) must be retained for five (5) years after the heat transfer system reaches 50 ppm PCB;

(e) *Use in hydraulic systems.* PCBs may be used in hydraulic systems and may be processed and distributed in commerce for purposes of filtering, distilling, or otherwise reducing the concentration of PCBs in hydraulic fluids in a manner other than a totally enclosed manner until July 1, 1984, subject to the following conditions:

(1) Each person who owns a hydraulic system that ever contained PCBs must test for the concentration of PCBs in the hydraulic fluid of each such system no later than November 1, 1979, and at least annually thereafter. All test sampling must be performed at least three months after the most recent fluid refilling. When a test shows that the PCB concentration is less than 50 ppm, testing under this subparagraph is no longer required;

(2) Within six (6) months of a test under paragraph (e)(1) that indicates that a system's fluid contains 50 ppm or greater PCB (0.005% on a dry weight basis), the system must be drained of the PCBs and refilled with fluid containing less than 50 ppm PCB. Topping-off with non-PCB hydraulic fluids to reduce PCB concentrations is permitted;

(3) Addition of PCBs to a hydraulic system is prohibited:

(4) Hydraulic fluid may be drained from a hydraulic system and filtered, distilled, or otherwise serviced in order to reduce the PCB concentration below 50 ppm:

(5) After July 1, 1979, processing and distribution in commerce of PCBs for purposes of servicing hydraulic systems is permitted only for persons who are granted an exemption under TSCA section 6(e)(3)(B):

(6) Data obtained as a result of paragraph (e)(1) above must be retained for five years after the hydraulic system reaches 50 ppm.

(f) *Use in carbonless copy paper.* Carbonless copy paper containing PCBs may be used in a manner other than a totally enclosed manner indefinitely.

(g) *Pigments.* Diarylide and Phthalocyanin pigments that contain 50 ppm or greater PCB may be processed, distributed in commerce, and used in a manner other than a totally enclosed manner until January 1, 1982, except that after July 1, 1979, processing and distribution in commerce of diarylide or phthalocyanin pigments that contain 50 ppm or greater PCB is permitted only for persons who are granted an exemption under TSCA section 6(e)(3)(B).

(h) *Use in and servicing of electromagnets, switches and voltage regulators.* PCBs at any concentration may be used in electromagnets, switches (including sectionalizers and motor starters), and voltage regulators and may be used for purposes of servicing this equipment (including rebuilding) for the remainder of their useful lives, subject to the following conditions:

(1) *Use conditions.* (i) After October 1, 1985, the use and storage for reuse of any electromagnet which poses an exposure risk to food or feed is prohibited if the electromagnet contains greater than 500 ppm PCBs.

(ii) A visual inspection of each electromagnet subject to paragraph (h)(1)(i) shall be performed at least once every week according to the conditions contained in § 761.30(a)(1)(iii) and (iv).

(2) *Servicing conditions.* (i) Servicing (including rebuilding) any electro-

magnet, switch, or voltage regulator with a PCB concentration of 500 ppm or greater which requires the removal and rework of the internal components is prohibited.

(ii) Electromagnets, switches, and voltage regulators classified as PCB-Contaminated Electrical Equipment (as defined in § 761.3(z)) may be serviced (including rebuilding) only with dielectric fluid containing less than 500 ppm PCB.

(iii) PCBs removed during any servicing activity must be captured and either reused as dielectric fluid or disposed of in accordance with the requirements of § 761.60. PCBs from electromagnets, switches, and voltage regulators with a PCB concentration of at least 500 ppm must not be mixed with or added to dielectric fluid from PCB-Contaminated Electrical Equipment.

(iv) Regardless of its PCB (concentration, dielectric fluids containing less than 500 ppm PCB) that are mixed with fluids that contain 500 ppm or greater PCB must not be used as dielectric fluid in any electrical equipment. The entire mixture of dielectric fluid must be considered to be greater than 500 ppm PCB and must be disposed of in an incinerator that meets the requirements of § 761.70.

(v) An electromagnet, switch or voltage regulator with a PCB concentration of at least 500 ppm may be converted to PCB-Contaminated Electrical Equipment or to a non-PCB classification and PCB-Contaminated Electrical Equipment may be reclassified to a non-PCB classification by draining, refilling and/or otherwise servicing the equipment. In order to be reclassified, the equipment's dielectric fluid must contain less than 500 ppm PCB (for conversion to PCB-Contaminated Electrical Equipment) or less than 50 ppm PCB (for conversion to a non-PCB classification) after a minimum of three months of in-service use subsequent to the last servicing conducted for the purpose of reducing the PCB concentration in the equipment. In-service use means the equipment is used electrically under loaded conditions. The Assistant Administrator may grant, without further rulemaking, approval for the use of alternative

methods that simulate the loaded conditions of in-service use. All PCBs removed from this equipment for purposes of reducing PCB concentrations are subject to the disposal requirements of § 761.60.

(vi) Any dielectric fluid containing 50 ppm or greater PCB used for servicing electromagnets, switches, or voltage regulators must be stored in accordance with the storage for disposal requirements of § 761.65.

(vii) Processing and distribution in commerce of PCBs for purposes of servicing electromagnets, switches or voltage regulators is permitted only for persons who are granted an exemption under TSCA 6(e)(3)(B).

(i) *Use in natural gas pipeline compressors.* PCBs may be used in natural gas pipeline compressors until May 1, 1980, in a manner other than a totally enclosed manner.

(j) *Small quantities for research and development.* PCBs may be processed, distributed in commerce, and used in small quantities for research and development, as defined in § 761.3(ee), in a manner other than a totally enclosed manner until July 1, 1984, except that after July 1, 1979, processing and distribution in commerce of PCBs in small quantities for research and development is permitted only for persons who have been granted an exemption under TSCA section 6(e)(3)(B).

(k) *Microscopy mounting medium.* PCBs may be processed, distributed in commerce, and used as a mounting medium in microscopy in a manner other than a totally enclosed manner until July 1, 1984, except that after July 1, 1979, processing and distribution in commerce of PCBs for purposes of use as a mounting medium in microscopy are permitted only for persons who are granted an exemption under TSCA section 6(e)(3)(B).

(l) *Use in capacitors.* PCBs at any concentration may be used in capacitors, subject to the following conditions:

(1) *Use conditions.* (i) After October 1, 1988, the use and storage for reuse of PCB Large High Voltage Capacitors and PCB Large Low Voltage Capacitors which pose an exposure risk to food or feed is prohibited.

(ii) After October 1, 1988, the use of PCB Large High Voltage Capacitors and PCB Large Low Voltage Capacitors is prohibited unless the capacitor is used within a restricted-access electrical substation or in a contained and restricted-access indoor installation. A restricted-access electrical substation is an outdoor, fenced or walled-in facility that restricts public access and is used in the transmission or distribution of electric power. A contained and restricted-access indoor installation does not have public access and has an adequate roof, walls, and floor to contain any release of PCBs within the indoor location.

(m) *Use in and servicing of circuit breakers, reclosers and cable.* PCBs at any concentration may be used in circuit breakers, reclosers, and cable and may be used for purposes of servicing this electrical equipment (including rebuilding) for the remainder of their useful lives, subject to the following conditions:

(1) *Servicing conditions.* (i) Circuit breakers, reclosers, and cable may be serviced (including rebuilding) only with dielectric fluid containing less than 50 ppm PCB.

(ii) Any circuit breaker, recloser or cable found to contain at least 50 ppm PCBs may be serviced only in accordance with the conditions contained in 40 CFR 761.30(h)(2).

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982, and amended at 47 FR 37357, Aug. 25, 1983; 48 FR 135, Jan. 3, 1983]

Subpart C—Marking of PCBs and PCB Items

§ 761.40 Marking requirements.

(a) Each of the following items in existence on or after July 1, 1978 shall be marked as illustrated in Figure 1 in § 761.44(a): The mark illustrated in Figure 1 is referred to as M₁ throughout this subpart.

(1) PCB Containers:

(2) PCB Transformers at the time of manufacture, at the time of distribution in commerce if not already marked, and at the time of removal from use if not already marked.

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[Marking of PCB-Contaminated Electrical Equipment is not required];

(3) PCB Large High Voltage Capacitors at the time of manufacture, at the time of distribution in commerce if not already marked, and at the time of removal from use if not already marked;

(4) Equipment containing a PCB Transformer or a PCB Large High Voltage Capacitor at the time of manufacture, at the time of distribution in commerce if not already marked, and at the time of removal of the equipment from use if not already marked;

(5) PCB Large Low Voltage Capacitors at the time of removal from use;

(6) Electric motors using PCB coolants (See also paragraph (e) of this section).

(7) Hydraulic systems using PCB hydraulic fluid (See also paragraph (e) of this section);

(8) Heat transfer systems (other than PCB Transformers) using PCBs (See also paragraph (e) of this section);

(9) PCB Article Containers containing articles or equipment that must be marked under paragraph (a) (1) through (8) above;

(10) Each storage area used to store PCBs and PCB Items for disposal.

(b) As of October 1, 1978, each transport vehicle shall be marked on each end and side with M_L as described in § 761.45(a) if it is loaded with PCB Containers that contain more than 45 kg (99.4 lbs.) of PCBs in the liquid phase or with one or more PCB Transformers (See also paragraph (e) of this section).

(c) As of January 1, 1979, the following PCB Articles shall be marked with mark M_L as described in § 761.45(a):

(1) All PCB Transformers not marked under paragraph (a) of this section [marking of PCB-Contaminated Electrical Equipment is not required];

(2) All PCB Large High Voltage Capacitors not marked under paragraph (a) of this section

(i) Will be marked individually with mark M_L , or

(ii) If one or more PCB Large High Voltage Capacitors are installed in a protected location such as on a power pole, or structure, or behind a fence; the pole, structure, or fence shall be

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marked with mark M_L , and a record or procedure identifying the PCB Capacitors shall be maintained by the owner or operator at the protected location.

(d) As of January 1, 1979, all PCB Equipment containing a PCB Small Capacitor shall be marked at the time of manufacture with the statement, "This equipment contains PCB Capacitor(s)". The mark shall be of the same size as the mark M_L .

(e) As of October 1, 1979, applicable PCB Items in paragraph (a) (1), (6), (7), and (8) containing PCBs in concentrations of 50 to 500 ppm and applicable transport vehicles in paragraph (b) loaded with PCB Containers that contain more than 45 kg (99.4 lbs.) of liquid PCBs in concentrations of 50 ppm to 500 ppm shall be marked with mark M_L as described in § 761.45(a).

(f) Where mark M_L is specified but the PCB Article or PCB Equipment is too small to accommodate the smallest permissible size of mark M_L , mark M_S as described in § 761.45(b), may be used instead of mark M_L .

(g) Each large low voltage capacitor, each small capacitor normally used in alternating current circuits, and each fluorescent light ballast manufactured ("manufactured", for purposes of this sentence, means built) between July 1, 1978 and July 1, 1998 that do not contain PCBs shall be marked by the manufacturer at the time of manufacture with the statement, "No PCBs". The mark shall be of similar durability and readability as other marking that indicate electrical information, part numbers, or the manufacturer's name. For purposes of this paragraph marking requirement only is applicable to items built domestically or abroad after June 30, 1978.

(h) All marks required by this subpart must be placed in a position on the exterior of the PCB Items or transport vehicles so that the marks can be easily read by any persons inspecting or servicing the marked PCB Items or transport vehicles.

(i) Any chemical substance or mixture that is manufactured after the effective date of this rule and that contains less than 500 ppm PCB (0.05% on a dry weight basis), including PCB that is a byproduct or impurity, must

be marked in accordance with any requirements contained in the exemption granted by EPA to permit such manufacture and is not subject to any other requirement in this subpart unless so specified in the exemption. This paragraph applies only to containers of chemical substances or mixtures. PCB articles and equipment into which the chemical substances or mixtures are processed, are subject to the marking requirements contained elsewhere in this subpart.

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982, and amended at 47 FR 37359, Aug. 25, 1982]

§ 761.45 Marking formats.

The following formats shall be used for marking:

(a) *Large PCB Mark*—M. Mark M_L shall be as shown in Figure 1, letters and striping on a white or yellow background and shall be sufficiently durable to equal or exceed the life (including storage for disposal) of the PCB Article, PCB Equipment, or PCB Container. The size of the mark shall be at least 15.25 cm (6 inches) on each side. If the PCB Article or PCB Equipment is too small to accommodate this size, the mark may be reduced in size proportionately down to a minimum of 5 cm (2 inches) on each side.

(b) *Small PCB Mark*—M. Mark M_s shall be as shown in Figure 2, letters and striping on a white or yellow background, and shall be sufficiently durable to equal or exceed the life (including storage for disposal) of the PCB Article, PCB Equipment, or PCB Container. The mark shall be a rectangle 2.5 by 5 cm (1 inch by 2 inches). If the PCB Article or PCB Equipment is too small to accommodate this size, the mark may be reduced in size proportionately down to a minimum of 1 by 2 cm (.4 by .8 inches).

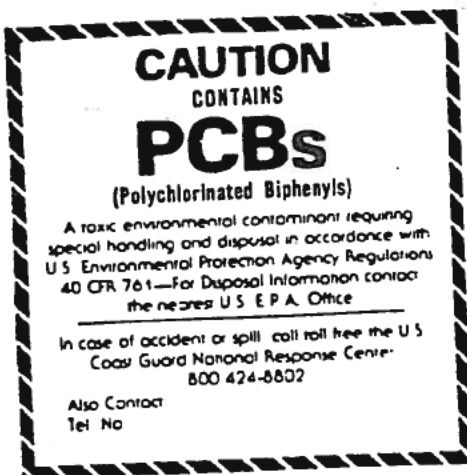


Figure 1

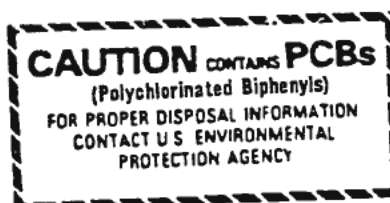


Figure 2

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982]

Subpart D—Storage and Disposal

NOTE: This subpart does not require removal of PCBs and PCB Items from service and disposal earlier than would normally be the case. However, when PCBs and PCB Items are removed from service and disposed of, disposal must be undertaken in accordance with these regulations. PCBs (including soils and debris) and PCB Items

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which have been placed in a disposal site are considered to be "in service" for purposes of the applicability of this subpart. This subpart does not require PCBs and PCB Items landfilled prior to February 17, 1978 to be removed for disposal. However, if such PCBs or PCB Items are removed from the disposal site, they must be disposed of in accordance with this subpart. Other subparts are directed to the manufacture, processing, distribution in commerce, and use of PCBs and may result in some cases in disposal at an earlier date than would otherwise occur.

§ 761.60 Disposal requirements.

(a) **PCBs.** (1) Except as provided in paragraph (a) (2), (3), (4), and (5) of this section, PCBs must be disposed of in an incinerator which complies with § 761.70.

(2) Mineral oil dielectric fluid from PCB-Contaminated Electrical Equipment containing a PCB concentration of 50 ppm or greater, but less than 500 ppm, must be disposed of in one of the following:

(i) In an incinerator that complies with § 761.70;

(ii) In a chemical waste landfill that complies with § 761.75 if information is provided to the owner or operator of the chemical waste landfill that shows that the mineral oil dielectric fluid does not exceed 500 ppm PCB and is not an ignitable waste as described in § 761.75(b) (8) (iii);

(iii) In a high efficiency boiler provided that:

(A) The boiler complies with the following criteria:

(1) The boiler is rated at a minimum of 50 million BTU hours;

(2) If the boiler uses natural gas or oil as the primary fuel, the carbon monoxide concentration in the stack is 50 ppm or less and the excess oxygen is at least three (3) percent when PCBs are being burned;

(3) If the boiler uses coal as the primary fuel, the carbon monoxide concentration in the stack is 100 ppm or less and the excess oxygen is at least three (3) percent when PCBs are being burned;

(4) The mineral oil dielectric fluid does not comprise more than ten (10) percent (on a volume basis) of the total fuel feed rate;

(5) The mineral oil dielectric fluid is not fed into the boiler unless the boiler is operating at its normal oper-

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ating temperature (this prohibits feeding these fluids during either start up or shut down operations);

(6) The owner or operator of the boiler:

(i) Continuously monitors and records the carbon monoxide concentration and excess oxygen percentage in the stack gas while burning mineral oil dielectric fluid; or

(ii) If the boiler will burn less than 30,000 gallons of mineral oil dielectric fluid per year, measures and records the carbon monoxide concentration and excess oxygen percentage in the stack gas at regular intervals of no longer than 60 minutes while burning mineral oil dielectric fluid.

(7) The primary fuel feed rates, mineral oil dielectric fluid feed rates, and total quantities of both primary fuel and mineral oil dielectric fluid fed to the boiler are measured and recorded at regular intervals of no longer than 15 minutes while burning mineral oil dielectric fluid.

(8) The carbon monoxide concentration and the excess oxygen percentage are checked at least once every hour that mineral oil dielectric fluid is burned. If either measurement falls below the levels specified in this rule, the flow of mineral oil dielectric fluid to the boiler shall be stopped immediately.

(B) Thirty days before any person burns mineral oil dielectric fluid in the boiler, the person gives written notice to the EPA Regional Administrator for the EPA Region in which the boiler is located and that the notice contains the following information:

(1) The name and address of the owner or operator of the boiler and the address of the boiler;

(2) The boiler rating in units of BTU/hour;

(3) The carbon monoxide concentration and the excess oxygen percentage in the stack of the boiler when it is operated in a manner similar to the manner in which it will be operated when mineral oil dielectric fluid is burned; and

(4) The type of equipment, apparatus, and procedures to be used to control the feed of mineral oil dielectric fluid to the boiler and to monitor and record the carbon monoxide concen-

tration and excess oxygen percentage in the stack.

(C) When burning mineral oil dielectric fluid, the boiler must operate at a level of output no less than the output at which the measurements required under paragraph (b)(2)(iii)(B)(3) of this section were taken.

(D) Any person burning mineral oil dielectric fluid in a boiler obtains the following information and retains the information for five years at the boiler location:

(1) The data required to be collected under paragraphs (a)(2)(A) (6) and (7) of this section; and

(2) The quantity of mineral oil dielectric fluid burned in the boiler each month:

(iv) In a facility that is approved in accordance with § 761.60(e). For the purpose of burning mineral oil dielectric fluid, an applicant under § 761.60(e) must show that his combustion process destroys PCBs as efficiently as does a high efficiency boiler, as defined in paragraph (b)(2)(iii) of this section, or a § 761.70 approved incinerator.

(3) Liquids, other than mineral oil dielectric fluid, containing a PCB concentration of 50 ppm or greater, but less than 500 ppm, shall be disposed of:

(i) In an incinerator which complies with § 761.70:

(ii) In a chemical waste landfill which complies with § 761.75 if information is provided to the owner or operator of the chemical waste landfill that shows that the waste does not exceed 500 ppm PCB and is not an ignitable waste as described in § 761.75(b)(8)(iii);

(iii) In a high efficiency boiler provided that.

(A) The boiler complies with the following criteria:

(1) The boiler is rated at a minimum of 50 million BTU/hour;

(2) If the boiler uses natural gas or oil as the primary fuel, the carbon monoxide concentration in the stack is 50 ppm or less and the excess oxygen is at least three (3) percent when PCBs are being burned;

(3) If the boiler uses coal as the primary fuel, the carbon monoxide concentration in the stack is 100 ppm or

less and the excess oxygen is at least three (3) percent when PCBs are being burned;

(4) The waste does not comprise more than ten (10) percent (on a volume basis) of the total fuel feed rate;

(5) The waste is not fed into the boiler unless the boiler is operating at its normal operating temperature (this prohibits feeding these fluids during either start up or shut down operations);

(6) The owner or operator of the boiler must:

(i) Continuously monitor and record the carbon monoxide concentration and excess oxygen percentage in the stack gas while burning waste fluid; or

(ii) If the boiler will burn less than 30,000 gallons of waste fluid per year, measure and record the carbon monoxide concentration and excess oxygen percentage in the stack gas at regular intervals of no longer than 60 minutes while burning waste fluid;

(7) The primary fuel feed rate, waste fluid feed rate, and total quantities of both primary fuel and waste fluid fed to the boiler must be measured and recorded at regular intervals of no longer than 15 minutes while burning waste fluid; and

(8) The carbon monoxide concentration and the excess oxygen percentage must be checked at least once every hour that the waste is burned. If either measurement falls below the levels specified in this rule, the flow of waste to the boiler shall be stopped immediately.

(B) Prior to any person burning these liquids in the boiler, approval must be obtained from the EPA Regional Administrator for the EPA Region in which the boiler is located and any persons seeking such approval must submit to the EPA Regional Administrator a request containing at least the following information:

(1) The name and address of the owner or operator of the boiler and the address of the boiler;

(2) The boiler rating in units of BTU/hour;

(3) The carbon monoxide concentration and the excess oxygen percentage in the stack of the boiler when it is operated in a manner similar to the

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manner in which it will be operated when low concentration PCB liquid is burned:

(4) The type of equipment, apparatus, and procedures to be used to control the feed of mineral oil dielectric fluid to the boiler and to monitor and record the carbon monoxide concentration and excess oxygen percentage in the stack;

(5) The type of waste to be burned (e.g., hydraulic fluid, contaminated fuel oil, heat transfer fluid, etc.);

(6) The concentration of PCBs and of any other chlorinated hydrocarbon in the waste and the results of analyses using the American Society of Testing and Materials (ASTM) methods as follows: carbon and hydrogen content using ASTM D-3178-73 (reapproved 1979), nitrogen content using ASTM E-258-67, sulfur content using ASTM D-2784-80, D-1266-80, or D-129-64, chlorine content using ASTM D-808-81, water and sediment content using either ASTM D-2709-68 or D-1796-68, ash content using D-482-80, calorific value using ASTM D-240-76 (reapproved 1980), carbon residue using either ASTM D-2158-80 or D-524-81, and flash point using ASTM D-93-80.

(7) The quantity of wastes estimated to be burned in a thirty (30) day period;

(8) An explanation of the procedures to be followed to insure that burning the waste will not adversely affect the operation of the boiler such that combustion efficiency will decrease.

(C) On the basis of the information in paragraph (a)(3)(iii)(B) of this section and any other available information, the Regional Administrator may, at his discretion, find that the alternate disposal method will not present an unreasonable risk of injury to health or the environment and approve the use of the boiler;

(D) When burning PCB wastes, the boiler must operate at a level of output no less than the output at which the measurements required under paragraph (a)(3)(iii)(B)(3) of this section were taken; and

(E) Any person burning liquids in boilers approved as provided in paragraph (a)(3)(iii)(C) of this section, must obtain the following information

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and retain the information for five years at the boiler location:

(1) The data required to be collected in paragraphs (a)(3)(iii)(A) (6) and (7) of this section;

(2) The quantity of low concentration PCB liquid burned in the boiler each month.

(3) The analysis of the waste required by paragraph (a)(3)(iii)(B) (6) of this section taken once a month for each month during which low concentration PCB liquid is burned in the boiler.

(iv) In a facility that is approved in accordance with § 761.60(e). For the purpose of burning liquids, other than mineral oil dielectric fluid, containing 50 ppm or greater PCB, but less than 500 ppm PCB, an applicant under § 761.60(e) must show that his combustion process destroys PCBs as efficiently as does a high efficiency boiler, as defined in § 761.60(a)(2)(iii), or a § 761.70 incinerator.

(4) Any non-liquid PCBs in the form of contaminated soil, rags, or other debris shall be disposed of:

(i) In an incinerator which complies with § 761.70; or

(ii) In a chemical waste landfill which complies with § 761.75.

NOTE: Except as provided in § 761.75(b)(8)(ii), liquid PCBs shall not be processed into non-liquid forms to circumvent the high temperature incineration requirements of § 761.60(a).

(5) All dredged materials and municipal sewage treatment sludges that contain PCBs shall be disposed of:

(i) In an incinerator which complies with § 761.70.

(ii) In a chemical waste landfill which complies with § 761.65; or

(iii) Upon application, using a disposal method to be approved by the Agency's Regional Administrator in the EPA Region in which the PCBs are located. Applications for disposal in a manner other than prescribed in (i) or (ii) above must be made in writing to the Regional Administrator. The application must contain information that, based on technical, environmental, and economic considerations, indicates that disposal in an incinerator or chemical waste landfill is not reasonable and appropriate, and that the al-

ternate disposal method will provide adequate protection to health and the environment. The Regional Administrator may request other information that he or she believes to be necessary for evaluation of the alternate disposal method. Any approval by the Regional Administrator shall be in writing and may contain any appropriate limitations on the approved alternate method for disposal. In addition to these regulations, the Regional Administrator shall consider other applicable Agency guidelines, criteria, and regulations to ensure that the discharges of dredged material and sludges that contain PCBs and other contaminants are adequately controlled to protect the environment. The person to whom such approval is issued must comply with all limitations contained in the approval.

(6) When storage is desired prior to disposal, PCBs shall be stored in a facility which complies with § 761.65.

(b) *PCB Articles*—(1) *Transformers*. (i) PCB Transformers shall be disposed of in accordance with either of the following:

(A) In an incinerator that complies with § 761.70; or

(B) In a chemical waste landfill which complies with § 761.75: *Provided*, That the transformer is first drained of all free flowing liquid, filled with solvent, allowed to stand for at least 18 hours, and then drained thoroughly. PCB liquids that are removed shall be disposed of in accordance with paragraph (a) of this section. Solvents may include kerosene, xylene, toluene and other solvents in which PCBs are readily soluble. Precautionary measures should be taken, however, that the solvent flushing procedure is conducted in accordance with applicable safety and health standards as required by Federal or State regulations.

(2) *PCB Capacitors*. (i) The disposal of any capacitor shall comply with all requirements of this subpart unless it is known from label or nameplate information, manufacturer's literature (including documented communications with the manufacturer), or chemical analysis that the capacitor does not contain PCBs.

(ii) Any person may dispose of PCB Small Capacitors as municipal solid

waste, unless that person is subject to the requirements of paragraph (b)(2)(iv) of this section.

(iii) Any PCB Large High or Low Voltage Capacitor which contains 500 ppm or greater PCBs, owned by any person, shall be disposed of in accordance with either of the following:

(A) Disposal in an incinerator that complies with § 761.70; or

(B) Until March 1, 1981, disposal in a chemical waste landfill that complies with § 761.75.

(iv) Any PCB Small Capacitor owned by any person who manufactures or at any time manufactured PCB Capacitors or PCB Equipment and acquired the PCB Capacitors in the course of such manufacturing shall be disposed of in accordance with either of the following:

(A) Disposal in an incinerator which complies with § 761.70; or

(B) Until March 1, 1981, disposal in a chemical waste landfill which complies with § 761.75.

(v) Notwithstanding the restrictions imposed by paragraph (b)(2)(iii)(B) or (b)(2)(iv)(B) of this section, PCB capacitors may be disposed of in PCB chemical waste landfills that comply with § 761.75 subsequent to March 1, 1981, if the Assistant Administrator for Pesticides and Toxic Substances publishes a notice in the *FEDERAL REGISTER* declaring that those landfills are available for such disposal and explaining the reasons for the extension or reopening. An extension or reopening for disposal of PCB capacitors that is granted under this subsection shall be subject to such terms and conditions as the Assistant Administrator may prescribe and shall be in effect for such period as the Assistant Administrator may prescribe. The Assistant Administrator may permit disposal of PCB capacitors in EPA approved chemical waste landfills after March 1, 1981, if in his opinion,

(1) Adequate incineration capability for PCB capacitors is not available, or

(2) The incineration of PCB capacitors will significantly interfere with the incineration of liquid PCBs, or

(3) There is other good cause shown.

As part of this evaluation, the Assistant Administrator will consider the

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impact of his action on the incentives to construct or expand PCB incinerators.

(vi) Prior to disposal in a § 761.75 chemical waste landfill, all large PCB capacitors, and all small PCB capacitors described in paragraph (b)(2)(iv) of this section, shall be placed in one of the Department of Transportation specification containers identified in § 761.65(c)(6) or in containers that comply with 49 CFR 178.118 (specification 17H containers). Large PCB capacitors which are too big to fit inside one of these containers shall be placed in a container with strength and durability equivalent to the DOT specification containers. In all cases, interstitial space in the container shall be filled with sufficient absorbent material (such as sawdust or soil) to absorb any liquid PCBs remaining in the capacitors.

(3) *PCB hydraulic machines.* PCB hydraulic machines such as die casting machines may be disposed of as municipal solid waste or salvage provided that the machines are drained of all free-flowing liquid and the liquid is disposed of in accordance with the provisions of paragraph (a) of this section. If the PCB liquid contains 1000 ppm PCB or greater, then the hydraulic machine must be flushed prior to disposal with a solvent containing less than 50 ppm PCB (see transformer solvents at paragraph (b)(1)(i)(B) of this section) and the solvent disposed of in accordance with paragraph (a) of this section.

(4) *PCB-Contaminated Electrical Equipment.* All PCB-Contaminated Electrical Equipment except capacitors shall be disposed of by draining all free flowing liquid from the electrical equipment and disposing of the liquid in accordance with paragraph (a)(2) or (3) of this section. The disposal of the drained electrical equipment is not regulated by this rule. Capacitors that contain between 50 and 500 ppm PCBs shall be disposed of in an incinerator that complies with § 761.70 or in a chemical waste landfill that complies with § 761.75.

(5) *Other PCB Articles.* (i) PCB Articles with a PCB concentration of 500 ppm or greater must be disposed of:

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(A) In an incinerator that complies with § 761.70; or

(B) In a chemical waste landfill that complies with § 761.75, provided that all free-flowing liquid PCBs have been thoroughly drained from any articles before the articles are placed in the chemical waste landfill and that the drained liquids are disposed of in an incinerator that complies with § 761.70.

(ii) PCB Articles with a PCB concentration between 50 and 500 ppm must be disposed of by draining all free flowing liquid from the article and disposing of the liquid in accordance with paragraph (a)(2) or (3) of this section. The disposal of the drained article is not regulated by this rule.

(6) *Storage of PCB Articles.* Except for a PCB Article described in paragraph (b)(2)(ii) of this section and hydraulic machines that comply with the municipal solid waste disposal provisions described in paragraph (b)(3) of this section, any PCB Article shall be stored in accordance with § 761.65 prior to disposal.

(c) *PCB Containers.* (1) Unless decontaminated in compliance with § 761.79 or as provided in (c)(2) of this section, a PCB Container shall be disposed of:

(i) In an incinerator which complies with § 761.70; or

(ii) In a chemical waste landfill that complies with § 761.75; provided that if there are PCBs in a liquid state, the PCB Container shall first be drained and the PCB liquid disposed of in accordance with paragraph (a) of this section.

(2) Any PCB Container used to contain only PCBs at a concentration less than 500 ppm shall be disposed of as municipal solid wastes; provided that if the PCBs are in a liquid state, the PCB Container shall first be drained and the PCB liquid shall be disposed of in accordance with paragraph (a) of this section.

(3) Prior to disposal, a PCB container shall be stored in a facility which complies with § 761.65.

(d) *Spills.* (1) Spills, leaks, and other uncontrolled discharges of PCBs constitute the disposal of PCBs.

(2) PCBs resulting from the clean-up and removal of spills, leaks, or other

uncontrolled discharges, must be stored and disposed of in accordance with paragraph (a) of this section.

(3) These regulations do not exempt any person from any actions or liability under other statutory authorities, including but not limited to the Clean Water Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980.

(e) Any person who is required to incinerate any PCBs and PCB Items under this subpart and who can demonstrate that an alternative method of destroying PCBs and PCB Items exists and that this alternative method can achieve a level of performance equivalent to § 761.70 incinerators or high efficiency boilers as provided in paragraph (a)(2)(iv) and (a)(3)(iv) of this section, may submit a written request to either the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances for an exemption from the incineration requirements of § 761.70 or § 761.60. Requests for approval of alternate methods that will be operated in more than one region must be submitted to the Assistant Administrator for Pesticides and Toxic Substances except for research and development involving less than 500 pounds of PCB material (see paragraph (i)(2)). Requests for approval of alternate methods that will be operated in only one region must be submitted to the appropriate Regional Administrator. The applicant must show that his method of destroying PCBs will not present an unreasonable risk of injury to health or the environment. On the basis of such information and any available information, the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances may, in his discretion, approve the use of the alternate method if he finds that the alternate disposal method provides PCB destruction equivalent to disposal in a § 761.70 incinerator or a § 761.60 high efficiency boiler and will not present an unreasonable risk of injury to health or the environment. Any approval must be stated in writing and may contain such conditions and provisions as the Regional Administrator

or Assistant Administrator for Pesticides and Toxic Substances deems appropriate. The person to whom such waiver is issued must comply with all limitations contained in such determination.

(f)(1) Each operator of a chemical waste landfill, incinerator, or alternative to incineration approved under paragraph (e) of this section shall give the following written notices to the state and local governments within whose jurisdiction the disposal facility is located:

(i) Notice at least thirty (30) days before a facility is first used for disposal of PCBs required by these regulations; and

(ii) At the request of any state or local government, annual notice of the quantities and general description of PCBs disposed of during the year. This annual notice shall be given no more than thirty (30) days after the end of the year covered.

(iii) The Regional Administrator may reduce the notice period required by paragraph (f)(1)(i) of this section from thirty days to a period of no less than five days in order to expedite interim approval of the chemical waste landfill located in Sedgwick County, Kansas.

(2) Any person who disposes of PCBs under a paragraph (a)(5)(iii) of this section incineration or chemical waste landfilling waiver shall give written notice at least thirty (30) days prior to conducting the disposal activities to the state and local governments within whose jurisdiction the disposal is to take place.

(g) *Testing procedures.* (1) Owners or users of mineral oil dielectric fluid electrical equipment may use the following procedures to determine the concentration of PCBs in the dielectric fluid:

(i) Dielectric fluid removed from mineral oil dielectric fluid electrical equipment may be collected in a common container, provided that no other chemical substances or mixtures are added to the container. This common container option does not permit dilution of the collected oil. Mineral oil that is assumed or known to contain at least 50 ppm PCBs must not be mixed with mineral oil that is

known or assumed to contain less than 50 ppm PCBs to reduce the concentration of PCBs in the common container. If dielectric fluid from untested, oil-filled circuit breakers, reclosers, or cable is collected in a common container with dielectric fluid from other oil-filled electrical equipment, the entire contents of the container must be treated as PCBs at a concentration of at least 50 ppm, unless all of the fluid from the other oil-filled electrical equipment has been tested and shown to contain less than 50 ppm PCBs.

(ii) For purposes of complying with the marking and disposal requirements, representative samples may be taken from either the common containers or the individual electrical equipment to determine the PCB concentration, except that if any PCBs at a concentration of 500 ppm or greater have been added to the container or equipment then the total container contents must be considered as having a PCB concentration of 500 ppm or greater for purposes of complying with the disposal requirements of this subpart. For purposes of this subparagraph, representative samples of mineral oil dielectric fluid are either samples taken in accordance with American Society of Testing and Materials method D-923 or samples taken from a container that has been thoroughly mixed in a manner such that any PCBs in the container are uniformly distributed throughout the liquid in the container.

(2) Owners or users of waste oil may use the following procedures to determine the PCB concentration of waste oil:

(i) Waste oil from more than one source may be collected in a common container, provided that no other chemical substances or mixtures, such as non-waste oils, are added to the container.

(ii) For purposes of complying with the marking and disposal requirements, representative samples may be taken from either the common containers or the individual electrical equipment to determine the PCB concentration. *Except*, That if any PCBs at a concentration of 500 ppm or greater have been added to the container or equipment then the total

container contents must be considered as having a PCB concentration of 500 ppm or greater for purposes of complying with the disposal requirements of the Subpart. For purposes of this paragraph, representative samples of mineral oil dielectric fluid are either samples taken in accordance with American Society of Testing and Materials method D-923-81 or samples taken from a container that has been thoroughly mixed in a manner such that any PCBs in the container are uniformly distributed throughout the liquid in the container.

(h) Requirements for export and import of PCBs for purposes of disposal and PCB Items for purposes of disposal are found in § 761.20.

(i) *Approval authority for disposal methods.* (1) The officials (the Assistant Administrator for Pesticides and Toxic Substances and the Regional Administrators) designated in §§ 761.60 (e) and 761.70 (a) and (b) to receive requests for approval of PCB disposal activities are the primary approval authorities for these activities. Notwithstanding, the Assistant Administrator for Pesticides and Toxic Substances may, at his/her discretion, assign the authority to review and approve any aspect of a disposal system to the Office of Pesticides and Toxic Substances or to a Regional Administrator.

(2) Except for activity authorized under § 761.30(j), research and development (R and D) into PCB disposal methods using a total of less than 500 pounds of PCB material (regardless of PCB concentration) will be reviewed and approved by the appropriate EPA Regional Administrator and research and development using 500 pounds or more of PCB material (regardless of PCB concentration) will be reviewed by the approval authorities set out in §§ 761.60(e) and 761.70 (a) and (b).

[44 FR 31542, May 31, 1979, as amended at 44 FR 54297, Sept. 19, 1979; 45 FR 20475, Mar. 28, 1980. Redesignated at 47 FR 19527, May 6, 1982, and amended at 47 FR 37359, Aug. 25, 1982; 48 FR 5730, Feb. 8, 1983; 48 FR 13185, Mar. 30, 1983; 48 FR 15125, Apr. 7, 1983]

§ 761.65 Storage for disposal.

(a) Any PCB Article or PCB Container stored for disposal before January 1, 1983, shall be removed from storage and disposed of as required by this part before January 1, 1984. Any PCB Article or PCB Container stored for disposal after January 1, 1983, shall be removed from storage and disposed of as required by Subpart D within one year from the date when it was first placed into storage.

(b) Except as provided in paragraph (c) of this section, after July 1, 1978, owners or operators of any facilities used for the storage of PCBs and PCB Items designated for disposal shall comply with the following requirements:

(1) The facilities shall meet the following criteria:

(i) Adequate roof and walls to prevent rain water from reaching the stored PCBs and PCB Items;

(ii) An adequate floor which has continuous curbing with a minimum six inch high curb. The floor and curbing must provide a containment volume equal to at least two times the internal volume of the largest PCB Article or PCB Container stored therein or 25 percent of the total internal volume of all PCB Articles or PCB Containers stored therein, whichever is greater;

(iii) No drain valves, floor drains, expansion joints, sewer lines, or other openings that would permit liquids to flow from the curbed area;

(iv) Floors and curbing constructed of continuous smooth and impervious materials, such as Portland cement concrete or steel, to prevent or minimize penetration of PCBs; and

(v) Not located at a site that is below the 100-year flood water elevation.

(c)(1) The following PCB Items may be stored temporarily in an area that does not comply with the requirements of paragraph (b) of this section for up to thirty days from the date of their removal from service, provided that a notation is attached to the PCB Item or a PCB Container (containing the item) indicating the date the item was removed from service:

(i) Non-leaking PCB Articles and PCB Equipment;

(ii) Leaking PCB Articles and PCB Equipment if the PCB Items are

placed in a non-leaking PCB Container that contains sufficient sorbent materials to absorb any liquid PCBs remaining in the PCB Items;

(iii) PCB Containers containing non-liquid PCBs such as contaminated soil, rags, and debris; and

(iv) PCB Containers containing liquid PCBs at a concentration between 50 and 500 ppm, provided a Spill Prevention, Control and Countermeasure Plan has been prepared for the temporary storage area in accordance with 40 CFR Part 112. In addition, each container must bear a notation that indicates that the liquids in the drum do not exceed 500 ppm PCB.

(2) Non-leaking and structurally undamaged PCB Large High Voltage Capacitors and PCB-Contaminated Electrical Equipment that have not been drained of free flowing dielectric fluid may be stored on pallets next to a storage facility that meets the requirements of paragraph (b) of this section. PCB-Contaminated Electrical Equipment that has been drained of free flowing dielectric fluid is not subject to the storage provisions of § 761.65. Storage under this subparagraph will be permitted only when the storage facility has immediately available unfilled storage space equal to 10 percent of the volume of capacitors and equipment stored outside the facility. The capacitors and equipment temporarily stored outside the facility shall be checked for leaks weekly.

(3) Any storage area subject to the requirements of paragraph (b) or paragraph (c)(1) of this section shall be marked as required in Subpart C—§ 761.40(a)(10).

(4) No item of movable equipment that is used for handling PCBs and PCB Items in the storage facilities and that comes in direct contact with PCBs shall be removed from the storage facility area unless it has been decontaminated as specified in § 761.79.

(5) All PCB Articles and PCB Containers in storage shall be checked for leaks at least once every 30 days. Any leaking PCB Articles and PCB Containers and their contents shall be transferred immediately to properly marked non-leaking containers. Any spilled or leaked materials shall be immediately cleaned up, using sorbents

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or other adequate means, and the PCB-contaminated materials and residues shall be disposed of in accordance with § 761.60(a)(4).

(6) Except as provided in paragraph (c)(7) of this section, any container used for the storage of liquid PCBs shall comply with the Shipping Container Specification of the Department of Transportation (DOT), 49 CFR 178.80 (Specification 5 container without removable head), 178.82 (Specification 5B container without removable head), 178.102 (Specification 6D overpack with Specification 2S (§ 178.35) or 2SL (§ 178.35a) polyethylene containers) or 178.116 (Specification 17E container). Any container used for the storage of non-liquid PCBs shall comply with the specifications of 49 CFR 178.80 (Specification 5 container), 178.82 (Specification 5B container) or 178.115 (Specification 17C container). As an alternate, containers larger than those specified in DOT Specifications 5, 5B, or 17C may be used for non-liquid PCBs if the containers are designed and constructed in a manner that will provide as much protection against leaking and exposure to the environment as the DOT Specification containers, and are of the same relative strength and durability as the DOT Specification containers.

(7) Storage containers for liquid PCBs can be larger than the containers specified in paragraph (c)(6) of this section provided that:

(i) The containers are designed, constructed, and operated in compliance with Occupational Safety and Health Standards, 29 CFR 1910.106, *Flammable and combustible liquids*. Before using these containers for storing PCBs, the design of the containers must be reviewed to determine the effect on the structural safety of the containers that will result from placing liquids with the specific gravity of PCBs into the containers (see 29 CFR 1910.106(b)(1)(f)).

(ii) The owners or operators of any facility using containers described in paragraph (c)(7)(i) of this section shall prepare and implement a Spill Prevention Control and Countermeasure (SPCC) Plan as described in Part 112 of this title. In complying with 40 CFR

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Part 112, the owner or operator shall read "oil(s)" as "PCB(s)" whenever it appears. The exemptions for storage capacity, 40 CFR 112.1(d)(2), and the amendment of SPCC plans by the Regional Administrator, 40 CFR 112.4, shall not apply unless some fraction of the liquids stored in the container are oils as defined by section 311 of the Clean Water Act.

(8) PCB Articles and PCB Containers shall be dated on the article or container when they are placed in storage. The storage shall be managed so that the PCB Articles and PCB Containers can be located by the date they entered storage. Storage containers provided in paragraph (c)(7) of this section shall have a record that includes for each batch of PCBs the quantity of the batch and date the batch was added to the container. The record shall also include the date, quantity, and disposition of any batch of PCBs removed from the container.

(9) Owners or operators of storage facilities shall establish and maintain records as provided in § 761.80.

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982, and amended at 47 FR 37359, Aug. 8, 1982]

§ 761.70 Incineration.

(a) *Liquid PCBs*. An incinerator used for incinerating PCBs shall be approved by an EPA Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances pursuant to paragraph (d) of this section. Requests for approval of incinerators to be used in more than one region must be submitted to the Assistant Administrator for Pesticides and Toxic Substances, except for research and development involving less than 500 pounds of PCB material (see section 761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraph (a) (1) through (9) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements which may be pre-

scribed pursuant to paragraph (d)(4) of this section.

(1) Combustion criteria shall be either of the following:

(i) Maintenance of the introduced liquids for a 2-second dwell time at $1200^{\circ}\text{C}(\pm 100^{\circ}\text{C})$ and 3 percent excess oxygen in the stack gas; or

(ii) Maintenance of the introduced liquids for a $1\frac{1}{2}$ second dwell time at $1600^{\circ}\text{C}(\pm 100^{\circ}\text{C})$ and 2 percent excess oxygen in the stack gas.

(2) Combustion efficiency shall be at least 99.9 percent computed as follows:

Combustion efficiency =

$\text{Cco}_2 / \text{Cco}_2 - \text{Cco} > 100$

where

Cco₂ = Concentration of carbon dioxide.

Cco = Concentration of carbon monoxide.

(3) The rate and quantity of PCBs which are fed to the combustion system shall be measured and recorded at regular intervals of no longer than 15 minutes.

(4) The temperatures of the incineration process shall be continuously measured and recorded. The combustion temperature of the incineration process shall be based on either direct (pyrometer) or indirect (wall thermocouple-pyrometer correlation) temperature readings.

(5) The flow of PCBs to the incinerator shall stop automatically whenever the combustion temperature drops below the temperatures specified in paragraph (a)(1) of this section.

(6) Monitoring of stack emission products shall be conducted:

(i) When an incinerator is first used for the disposal of PCBs under the provisions of this regulation;

(ii) When an incinerator is first used for the disposal of PCBs after the incinerator has been modified in a manner which may affect the characteristics of the stack emission products; and

(iii) At a minimum such monitoring shall be conducted for the following parameters: (a) O₂; (b) CO; (c) CO₂; (d) Oxides of Nitrogen (NO_x); (e) Hydrochloric Acid (HCl); (f) Total Chlorinated Organic Content (RCI); (g) PCBs; and (h) Total Particulate Matter.

(7) At a minimum monitoring and recording of combustion products and incineration operations shall be con-

ducted for the following parameters whenever the incinerator is incinerating PCBs: (i) O₂; (ii) CO; and (iii) CO₂. The monitoring for O₂ and CO shall be continuous. The monitoring for CO₂ shall be periodic, at a frequency specified by the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances.

(8) The flow of PCBs to the incinerator shall stop automatically when any one or more of the following conditions occur, unless a contingency plan is submitted by the incinerator owner or operator and approved by the Regional Administrator or Assistant Administrator for Pesticides and Toxic Substances. The contingency plan indicates what alternative measures the incinerator owner or operator would take if any of the following conditions occur:

(i) Failure of monitoring operations specified in paragraph (a)(7) of this section;

(ii) Failure of the PCB rate and quantity measuring and recording equipment specified in paragraph (a)(3) of this section; or

(iii) Excess oxygen falls below the percentage specified in paragraph (a)(1) of this section.

(9) Water scrubbers shall be used for HCl control during PCB incineration and shall meet any performance requirements specified by the appropriate EPA Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances. Scrubber effluent shall be monitored and shall comply with applicable effluent or pretreatment standards, and any other State and Federal laws and regulations. An alternate method of HCl control may be used if the alternate method has been approved by the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances. (The HCl neutralizing capability of cement kilns is considered to be an alternate method.)

(b) *Nonliquid PCBs.* An incinerator used for incinerating nonliquid PCBs, PCB Articles, PCB Equipment, or PCB Containers shall be approved by the appropriate EPA Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances pursuant to paragraph (d) of this section.

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Requests for approval of incinerators to be used in more than one region must be submitted to the Assistant Administrator for Pesticides and Toxic Substances, except for research and development involving less than 500 pounds of PCB material (see section 761.60(i)(2)). Requests for approval of incinerators to be used in only one region must be submitted to the appropriate Regional Administrator. The incinerator shall meet all of the requirements specified in paragraphs (b) (1) and (2) of this section unless a waiver from these requirements is obtained pursuant to paragraph (d)(5) of this section. In addition, the incinerator shall meet any other requirements that may be prescribed pursuant to paragraph (d)(4) of this section.

(1) The mass air emissions from the incinerator shall be no greater than 0.001g PCB/kg of the PCB introduced into the incinerator.

(2) The incinerator shall comply with the provisions of paragraphs (a)(2), (3), (4), (6), (7), (8)(i) and (ii), and (9) of this section.

(c) *Maintenance of data and records.* All data and records required by this section shall be maintained in accordance with § 761.80. Records and monitoring.

(d) *Approval of incinerators.* Prior to the incineration of PCBs and PCB Items the owner or operator of an incinerator shall receive the written approval of the Agency Regional Administrator for the region in which the incinerator is located, or the Assistant Administrator for Pesticides and Toxic Substances. Approval from the Assistant Administrator for Pesticides and Toxic Substances may be effective in all ten EPA regions. Such approval shall be obtained in the following manner:

(1) *Application.* The owner or operator shall submit to the Regional Administrator or the Assistant Administrator an application which contains:

(i) The location of the incinerator;

(ii) A detailed description of the incinerator including general site plans and design drawings of the incinerator;

(iii) Engineering reports or other information on the anticipated performance of the incinerator;

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(iv) Sampling and monitoring equipment and facilities available;

(v) Waste volumes expected to be incinerated;

(vi) Any local, State, or Federal permits or approvals; and

(vii) Schedules and plans for complying with the approval requirements of this regulation.

(2) *Trial burn.* (i) Following receipt of the application described in paragraph (d)(1) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances shall determine if a trial burn is required and notify the person who submitted the report whether a trial burn of PCBs and PCB Items must be conducted. The Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may require the submission of any other information that the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances finds to be reasonably necessary to determine the need for a trial burn. Such other information shall be restricted to the types of information required in paragraphs (d)(1) (i) through (vii) of this section.

(ii) If the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances determines that a trial burn must be held, the person who submitted the report described in paragraph (d)(1) of this section shall submit to the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances a detailed plan for conducting and monitoring the trial burn. At a minimum, the plan must include:

(A) Date trial burn is to be conducted;

(B) Quantity and type of PCBs and PCB Items to be incinerated;

(C) Parameters to be monitored and location of sampling points;

(D) Sampling frequency and methods and schedules for sample analyses; and

(E) Name, address, and qualifications of persons who will review analytical results and other pertinent data, and who will perform a technical evaluation of the effectiveness of the trial burn.

(iii) Following receipt of the plan described in paragraph (d)(2)(ii) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances will approve the plan, require additions or modifications to the plan, or disapprove the plan. If the plan is disapproved, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances will notify the person who submitted the plan of such disapproval, together with the reasons why it is disapproved. That person may thereafter submit a new plan in accordance with paragraph (d)(2)(ii) of this section. If the plan is approved (with any additions or modifications which the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may prescribe), the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances will notify the person who submitted the plan of the approval. Thereafter, the trial burn shall take place at a date and time to be agreed upon between the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances and the person who submitted the plan.

(3) *Other information.* In addition to the information contained in the report and plan described in paragraphs (d)(1) and (2) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may require the owner or operator to submit any other information that the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances finds to be reasonably necessary to determine whether an incinerator shall be approved.

NOTE: The Regional Administrator will have available for review and inspection an Agency manual containing information on sampling methods and analytical procedures for the parameters required in § 761.70(a)(3), (4), (6), and (7) plus any other parameters he/she may determine to be appropriate. Owners or operators are encouraged to review this manual prior to submitting any report required in § 761.70.

(4) *Contents of approval.* (i) Except as provided in paragraph (d)(5) of this section, the Regional Administrator or

the Assistant Administrator for Pesticides and Toxic Substances may not approve an incinerator for the disposal of PCBs and PCB Items unless he finds that the incinerator meets all of the requirements of paragraphs (a) and/or (b) of this section.

(ii) In addition to the requirements of paragraphs (a) and/or (b) of this section, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may include in an approval any other requirements that the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances finds are necessary to ensure that operation of the incinerator does not present an unreasonable risk of injury to health or the environment from PCBs. Such requirements may include a fixed period of time for which the approval is valid.

(5) *Waivers.* An owner or operator of the incinerator may submit evidence to the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances that operation of the incinerator will not present an unreasonable risk of injury to health or the environment from PCBs, when one or more of the requirements of paragraphs (a) and/or (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances may in his/her discretion find that any requirement of paragraphs (a) and (b) of this section is not necessary to protect against such a risk, and may waive the requirements in any approval for that incinerator. Any finding and waiver under this paragraph must be stated in writing and included as part of the approval.

(6) *Persons approved.* An approval will designate the persons who own and who are authorized to operate the incinerator, and will apply only to such persons, except as provided in paragraph (d)(8) of this section.

(7) *Final approval.* Approval of an incinerator will be in writing and signed by the Regional Administrator or the Assistant Administrator for Pesticides and Toxic Substances. The

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approval will state all requirements applicable to the approved incinerator.

(8) *Transfer of property.* Any person who owns or operates an approved incinerator must notify EPA at least 30 days before transferring ownership in the incinerator or the property it stands upon, or transferring the right to operate the incinerator. The transferor must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by the transferor's EPA incinerator approval. Within 30 days of receiving such notification and affidavit, EPA will issue an amended approval substituting the transferee's name for the transferor's name, or EPA may require the transferee to apply for a new incinerator approval. In the latter case, the transferee must abide by the transferor's EPA approval until EPA issues the new approval to the transferee.

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982, and amended at 48 FR 13185, Mar. 30, 1983]

§ 761.75 Chemical waste landfills.

(a) *General.* A chemical waste landfill used for the disposal of PCBs and PCB Items shall be approved by the Agency Regional Administrator pursuant to paragraph (c) of this section. The landfill shall meet all of the requirements specified in paragraph (b) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (c)(4) of this section. In addition, the landfill shall meet any other requirements that may be prescribed pursuant to paragraph (c)(3) of this section.

(b) *Technical requirements.* Requirements for chemical waste landfills used for the disposal of PCBs and PCB Items are as follows:

(1) *Soils.* The landfill site shall be located in thick, relatively impermeable formations such as large-area clay pans. Where this is not possible, the soil shall have a high clay and silt content with the following parameters:

(i) In-place soil thickness, 4 feet or compacted soil liner thickness, 3 feet;

(ii) Permeability (cm/sec), equal to or less than 1×10^{-7} ;

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(iii) Percent soil passing No. 200 Sieve, >30;

(iv) Liquid Limit, >30; and

(v) Plasticity Index >15.

(2) *Synthetic membrane liners.* Synthetic membrane liners shall be used when, in the judgment of the Regional Administrator, the hydrologic or geologic conditions at the landfill require such a liner in order to provide at least a permeability equivalent to the soils in paragraph (b)(1) of this section. Whenever a synthetic liner is used at a landfill site, special precautions shall be taken to insure that its integrity is maintained and that it is chemically compatible with PCBs. Adequate soil underlining and soil cover shall be provided to prevent excessive stress on the liner and to prevent rupture of the liner. The liner must have a minimum thickness of 30 mils.

(3) *Hydrologic conditions.* The bottom of the landfill shall be above the historical high groundwater table as provided below. Floodplains, shorelands, and groundwater recharge areas shall be avoided. There shall be no hydraulic connection between the site and standing or flowing surface water. The site shall have monitoring wells and leachate collection. The bottom of the landfill liner system or natural in-place soil barrier shall be at least fifty feet from the historical high water table.

(4) *Flood protection.* (i) If the landfill site is below the 100-year floodwater elevation, the operator shall provide surface water diversion dikes around the perimeter of the landfill site with a minimum height equal to two feet above the 100-year floodwater elevation.

(ii) If the landfill site is above the 100-year floodwater elevation, the operators shall provide diversion structures capable of diverting all of the surface water runoff from a 24-hour, 25-year storm.

(5) *Topography.* The landfill site shall be located in an area of low to moderate relief to minimize erosion and to help prevent landslides or slumping.

(6) *Monitoring systems.* (i) *Water sampling.* (A) For all sites receiving PCBs, the ground and surface water

from the disposal site area shall be sampled prior to commencing operations under an approval provided in paragraph (c) of this section for use as baseline data.

(B) Any surface watercourse designated by the Regional Administrator using the authority provided in paragraph (c)(3)(ii) of this section shall be sampled at least monthly when the landfill is being used for disposal operations.

(C) Any surface watercourse designated by the Regional Administrator using the authority provided in paragraph (c)(3)(ii) of this section shall be sampled for a time period specified by the Regional Administrator on a frequency of no less than once every six months after final closure of the disposal area.

(ii) *Groundwater monitor wells.* (A) If underlying earth materials are homogeneous, impermeable, and uniformly sloping in one direction, only three sampling points shall be necessary. These three points shall be equally spaced on a line through the center of the disposal area and extending from the area of highest water table elevation to the area of the lowest water table elevation on the property.

(B) All monitor wells shall be cased and the annular space between the monitor zone (zone of saturation) and the surface shall be completely back-filled with Portland cement or an equivalent material and plugged with Portland cement to effectively prevent percolation of surface water into the well bore. The well opening at the surface shall have a removable cap to provide access and to prevent entrance of rainfall or stormwater runoff. The well shall be pumped to remove the volume of liquid initially contained in the well before obtaining a sample for analysis. The discharge shall be treated to meet applicable State or Federal discharge standards or recycled to the chemical waste landfill.

(iii) *Water analysis.* As a minimum, all samples shall be analyzed for the following parameters, and all data and records of the sampling and analysis shall be maintained as required in § 761.80(d)(1). Sampling methods and analytical procedures for these parameters shall comply with those specified

in 40 CFR Part 136 as amended in 41 FR 52779 on December 1, 1976.

(A) PCBs.

(B) pH.

(C) Specific conductance.

(D) Chlorinated organics.

(7) *Leachate collection.* A leachate collection monitoring system shall be installed above the chemical waste landfill. Leachate collection systems shall be monitored monthly for quantity and physicochemical characteristics of leachate produced. The leachate should be either treated to acceptable limits for discharge in accordance with a State or Federal permit or disposed of by another State or Federally approved method. Water analysis shall be conducted as provided in paragraph (b)(6)(iii) of this section. Acceptable leachate monitoring/collection systems shall be any of the following designs, unless a waiver is obtained pursuant to paragraph (c)(4) of this section.

(i) *Simple leachate collection.* This system consists of a gravity flow drainfield installed above the waste disposal facility liner. This design is recommended for use when semi-solid or leachable solid wastes are placed in a lined pit excavated into a relatively thick, unsaturated, homogeneous layer of low permeability soil.

(ii) *Compound leachate collection.* This system consists of a gravity flow drainfield installed above the waste disposal facility liner and above a secondary installed liner. This design is recommended for use when semi-liquid or leachable solid wastes are placed in a lined pit excavated into relatively permeable soil.

(iii) *Suction lysimeters.* This system consists of a network of porous ceramic cups connected by hoses/tubing to a vacuum pump. The porous ceramic cups or suction lysimeters are installed along the sides and under the bottom of the waste disposal facility liner. This type of system works best when installed in a relatively permeable unsaturated soil immediately adjacent to the bottom and/or sides of the disposal facility.

(8) *Chemical waste landfill operations.* (i) PCBs and PCB Items shall be placed in a landfill in a manner that will prevent damage to containers

or articles. Other wastes placed in the landfill that are not chemically compatible with PCBs and PCB Items including organic solvents shall be segregated from the PCBs throughout the waste handling and disposal process.

(ii) An operation plan shall be developed and submitted to the Regional Administrator for approval as required in paragraph (c) of this section. This plan shall include detailed explanations of the procedures to be used for recordkeeping, surface water handling procedures, excavation and backfilling, waste segregation burial coordinates, vehicle and equipment movement, use of roadways, leachate collection systems, sampling and monitoring procedures, monitoring wells, environmental emergency contingency plans, and security measures to protect against vandalism and unauthorized waste placements. EPA guidelines entitled "Thermal Processing and Land Disposal of Solid Waste" (39 FR 29337, Aug. 14, 1974) are a useful reference in preparation of this plan. If the facility is to be used to dispose of liquid wastes containing between 50 ppm and 500 ppm PCB, the operations plan must include procedures to determine that liquid PCBs to be disposed of at the landfill do not exceed 500 ppm PCB and measures to prevent the migration of PCBs from the landfill. Bulk liquids not exceeding 500 ppm PCBs may be disposed of provided such waste is pretreated and/or stabilized (e.g., chemically fixed, evaporated, mixed with dry inert absorbant) to reduce its liquid content or increase its solid content so that a non-flowing consistency is achieved to eliminate the presence of free liquids prior to final disposal in a landfill. PCB Container of liquid PCBs with a concentration between 50 and 500 ppm PCB may be disposed of if each container is surrounded by an amount of inert sorbant material capable of absorbing all of the liquid contents of the container.

(iii) Ignitable wastes shall not be disposed of in chemical waste landfills. Liquid ignitable wastes are wastes that have a flash point less than 60 degrees C (140 degrees F) as determined by the following method or an equivalent method: Flash point of liquids shall be determined by a Pensky-Martens

Closed Cup Tester, using the protocol specified in ASTM Standard D-93-80, or the Setaflash Closed Tester using the protocol specified in ASTM Standard D-3278-78.

(iv) Records shall be maintained for all PCB disposal operations and shall include information on the PCB concentration in liquid wastes and the three dimensional burial coordinates for PCBs and PCB Items. Additional records shall be developed and maintained as required in § 761.80.

(9) *Supporting facilities.* (i) A six foot woven mesh fence, wall, or similar device shall be placed around the site to prevent unauthorized persons and animals from entering.

(ii) Roads shall be maintained to and within the site which are adequate to support the operation and maintenance of the site without causing safety or nuisance problems or hazardous conditions.

(iii) The site shall be operated and maintained in a manner to prevent safety problems or hazardous conditions resulting from spilled liquids and windblown materials.

(c) *Approval of chemical waste landfills.* Prior to the disposal of any PCBs and PCB Items in a chemical waste landfill, the owner or operator of the landfill shall receive written approval of the Agency Regional Administrator for the Region in which the landfill is located. The approval shall be obtained in the following manner:

(1) *Initial report.* The owner or operator shall submit to the Regional Administrator an initial report which contains:

(i) The location of the landfill;

(ii) A detailed description of the landfill including general site plans and design drawings;

(iii) An engineering report describing the manner in which the landfill complies with the requirements for chemical waste landfills specified in paragraph (b) of this section;

(iv) Sampling and monitoring equipment and facilities available;

(v) Expected waste volumes of PCBs;

(vi) General description of waste materials other than PCBs that are expected to be disposed of in the landfill;

(vii) Landfill operations plan as required in paragraph (b) of this section:

(viii) Any local, State, or Federal permits or approvals; and

(ix) Any schedules or plans for complying with the approval requirements of these regulations.

(2) *Other information.* In addition to the information contained in the report described in paragraph (c)(1) of this section, the Regional Administrator may require the owner or operator to submit any other information that the Regional Administrator finds to be reasonably necessary to determine whether a chemical waste landfill should be approved. Such other information shall be restricted to the types of information required in paragraphs (c)(1) (i) through (ix) of this section.

(3) *Contents of approval.* (i) Except as provided in paragraph (c)(4) of this section the Regional Administrator may not approve a chemical waste landfill for the disposal of PCBs and PCB Items, unless he finds that the landfill meets all of the requirements of paragraph (b) of this section.

(ii) In addition to the requirements of paragraph (b) of this section, the Regional Administrator may include in an approval any other requirements or provisions that the Regional Administrator finds are necessary to ensure that operation of the chemical waste landfill does not present an unreasonable risk of injury to health or the environment from PCBs. Such provisions may include a fixed period of time for which the approval is valid.

The approval may also include a stipulation that the operator of the chemical waste landfill report to the Regional Administrator any instance when PCBs are detectable during monitoring activities conducted pursuant to paragraph (b)(6) of this section.

(4) *Waivers.* An owner or operator of a chemical waste landfill may submit evidence to the Regional Administrator that operation of the landfill will not present an unreasonable risk of injury to health or the environment from PCBs when one or more of the requirements of paragraph (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator may in his discretion find that one or more of the requirements of paragraph (b) of this section is not neces-

sary to protect against such a risk and may waive the requirements in any approval for that landfill. Any finding and waiver under this paragraph will be stated in writing and included as part of the approval.

(5) *Persons approved.* Any approval will designate the persons who own and who are authorized to operate the chemical waste landfill, and will apply only to such persons, except as provided by paragraph (c)(7) of this section.

(6) *Final approval.* Approval of a chemical waste landfill will be in writing and will be signed by the Regional Administrator. The approval will state all requirements applicable to the approved landfill.

(7) *Transfer of property.* Any person who owns or operates an approved chemical waste landfill must notify EPA at least 30 days before transferring ownership in the property or transferring the right to conduct the chemical waste landfill operation. The transferor must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by the transferor's EPA chemical waste landfill approval. Within 30 days of receiving such notification and affidavit, EPA will issue an amended approval substituting the transferee's name for the transferor's name, or EPA may require the transferee to apply for a new chemical waste landfill approval. In the latter case, the transferee must abide by the transferor's EPA approval until EPA issues the new approval to the transferee.

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982, and amended at 48 FR 5730, Feb. 8, 1983]

§ 761.79 Decontamination.

(a) Any PCB Container to be decontaminated shall be decontaminated by flushing the internal surfaces of the container three times with a solvent containing less than 50 ppm PCB. The solubility of PCBs in the solvent must be five percent or more by weight. Each rinse shall use a volume of the normal diluent equal to approximately ten (10) percent of the PCB Container

§ 761.180

capacity. The solvent may be reused for decontamination until it contains 50 ppm PCB. The solvent shall then be disposed of as a PCB in accordance with § 761.60(a). Non-liquid PCBs resulting from the decontamination procedures shall be disposed of in accordance with the provisions of § 761.60(a)(4).

(b) Movable equipment used in storage areas shall be decontaminated by swabbing surfaces that have contacted PCBs with a solvent meeting the criteria of paragraph (a) of this section.

NOTE: Precautionary measures should be taken to ensure that the solvent meets safety and health standards as required by applicable Federal regulations.

[44 FR 31542, May 31, 1979. Redesignated at 47 FR 19527, May 6, 1982]

Subparts E-I—[Reserved]

Subpart J—Records and Reports

§ 761.180 Records and monitoring.

(a) *PCBs and PCB Items in service or projected for disposal.* Beginning July 2, 1978, each owner or operator of a facility using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s) or one or more PCB Transformers, or 50 or more PCB Large High or Low Voltage Capacitors shall develop and maintain records on the disposition of PCBs and PCB Items. These records shall form the basis of an annual document prepared for each facility by July 1 covering the previous calendar year. Owners or operators with one or more facilities that use or store PCBs and PCB Items in the quantities described above may maintain the records and documents at one of the facilities that is normally occupied for 8 hours a day, provided the identity of this facility is available at each facility using or storing PCBs and PCB Items. The records and documents shall be maintained for at least five years after the facility ceases using or storing PCBs and PCB Items in the prescribed quantities. The following information for each facility shall be included in the annual document:

(1) The dates when PCBs and PCB Items are removed from service, are

Title 40—Protection of Environment

placed into storage for disposal, and are placed into transport for disposal. The quantities of the PCBs and PCB Items shall be indicated using the following breakdown:

(i) Total weight in kilograms of any PCBs and PCB Items in PCB Containers including the identification of container contents such as liquids and capacitors;

(ii) Total number of PCB Transformers and total weight in kilograms of any PCBs contained in the transformers; and

(iii) Total number of PCB Large High or Low Voltage Capacitors.

(2) For PCBs and PCB Items removed from service, the location of the initial disposal or storage facility and the name of the owner or operator of the facility.

(3) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year using the following breakdown:

(i) Total weight in kilograms of any PCBs and PCB Items in PCB Containers, including the identification of container contents such as liquids and capacitors;

(ii) Total number of PCB Transformers and total weight in kilograms of any PCBs contained in the transformers; and

(iii) Total number of PCB Large High or Low Voltage Capacitors.

(b) *Disposal and storage facilities.* Each owner or operator of a facility (including high efficiency boiler operations) used for the storage or disposal of PCBs and PCB Items shall by July 1, 1979 and each July 1 thereafter prepare and maintain a document that includes the information required in paragraph (b)(1) thru (4) of this section for PCBs and PCB Items that were handled at the facility during the previous calendar year. The document shall be retained at each facility for at least 5 years after the facility is no longer used for the storage or disposal of PCBs and PCB Items except that in the case of chemical waste landfills, the document shall be maintained at least 20 years after the chemical waste landfill is no longer used for the disposal of PCBs and PCB Items. The documents shall be available at the facility for inspection by authorized rep-

representatives of the Environmental Protection Agency. If the facility ceases to be used for PCB storage or disposal, the owner or operator of such facility shall notify within 60 days the EPA Regional Administrator of the region in which the facility is located that the facility has ceased storage or disposal operations. The notice shall specify where the documents that are required to be maintained by this paragraph are located. The following information shall be included in each document:

(1) The date when any PCBs and PCB Items were received by the facility during the previous calendar year for storage or disposal, and identification of the facility and the owner or operator of the facility from whom the PCBs were received;

(2) The date when any PCBs and PCB Items were disposed of at the disposal facility or transferred to another disposal or storage facility, including the identification of the specific types of PCBs and PCB Items that were stored or disposed of;

(3) A summary of the total weight in kilograms of PCBs and PCB Articles in containers and the total weight of PCBs contained in PCB Transformers, that have been handled at the facility during the previous calendar year. This summary shall provide totals of the above PCBs and PCB Items which have been:

(i) Received during the year;

(ii) Transferred to other facilities during the year; and

(iii) Retained at the facility at the end of the year. In addition the contents of PCB Containers shall be identified. When PCB Containers and PCBs contained in a transformer are transferred to other storage or disposal facilities, the identification of the facility to which such PCBs and PCB Items were transferred shall be included in the document.

(4) Total number of any PCB Articles or PCB Equipment not in PCB Containers, received during the calendar year, transferred to other storage or disposal facilities during the calendar year, or remaining on the facility site at the end of the calendar year. The identification of the specific types of PCB Articles and PCB Equipment

received, transferred, or remaining on the facility site shall be indicated. When PCB Articles and PCB Equipment are transferred to other storage or disposal facilities, the identification of the facility to which the PCB Articles and PCB Equipment were transferred must be included.

NOTE: Any requirements for weights in kilograms of PCBs may be calculated values if the internal volume of containers and transformers is known and included in the reports, together with any assumptions on the density of the PCBs contained in the containers or transformers.

(c) *Incineration facilities.* Each owner or operator of a PCB incinerator facility shall collect and maintain for a period of 5 years from the date of collection the following information, in addition to the information required in paragraph (b) of this section:

(1) When PCBs are being incinerated, the following continuous and short-interval data:

(i) Rate and quantity of PCBs fed to the combustion system as required in § 761.70(a)(3);

(ii) Temperature of the combustion process as required in § 761.70(a)(4); and

(iii) Stack emission product to include O_2 , CO , and CO_2 , as required in § 761.70(a)(7).

(2) When PCBs are being incinerated, data and records on the monitoring of stack emissions as required in § 761.70(a)(6).

(3) Total weight in kilograms of any solid residues generated by the incineration of PCBs and PCB Items during the calendar year, the total weight in kilograms of any solid residues disposed of by the facility in chemical waste landfills, and the total weight in kilograms of any solid residues remaining on the facility site.

(4) When PCBs and PCB Items are being incinerated, additional periodic data shall be collected and maintained as specified by the Regional Administrator pursuant to § 761.70(d)(4).

(5) Upon any suspension of the operation of any incinerator pursuant to § 761.70(a)(8), the owner or operator of such an incinerator shall prepare a document. The document shall, at a minimum, include the date and time

§ 761.185

of the suspension and an explanation of the circumstances causing the suspension of operation. The document shall be sent to the appropriate Regional Administrator within 30 days of any such suspension.

(d) *Chemical waste landfill facilities.* Each owner or operator of a PCB chemical waste landfill facility shall collect and maintain until at least 20 years after the chemical waste landfill is no longer used for the disposal of PCBs the following information in addition to the information required in paragraph (b) of this section:

(1) Any water analysis obtained in compliance with § 761.75(b)(6)(iii); and

(2) Any operations records including burial coordinates of wastes obtained in compliance with § 761.75(b)(8)(ii).

(e) *High efficiency boiler facilities.* Each owner or operator of a high efficiency boiler used for the disposal of liquids between 50 and 500 ppm PCB shall collect and maintain for a period of 5 years the following information, in addition to the information required in paragraph (b) of this section:

(1) For each month PCBs are burned in the boiler the carbon monoxide and excess oxygen data required in § 761.60(a)(2)(iii)(A)(8) and § 761.60(a)(3)(iii)(A)(8);

(2) The quantity of PCBs burned each month as required in § 761.60(a)(2)(iii)(A)(7) and § 761.60(a)(3)(iii)(A)(7); and

(3) For each month PCBs (other than mineral oil dielectric fluid) are burned, chemical analysis data of the waste as required in § 761.60(a)(3)(iii)(B)(6).

(f) *Retention of special records by storage and disposal facilities.* In addition to the information required to be maintained under paragraphs (b), (c), (d) and (e) of this section, each owner or operator of a PCB storage or disposal facility (including high efficiency boiler operations) shall collect and maintain for the time period specified in paragraph (b) of this section the following data:

(1) All documents, correspondence, and data that have been provided to the owner or operator of the facility by any State or local government agency and that pertain to the storage

Title 40—Protection of Environment

or disposal of PCBs and PCB Items at the facility.

(2) All documents, correspondence and data that have been provided to the owner or operator of the facility by any State or local government agency and that pertain to the storage or disposal of PCBs and PCB Items at the facility.

(3) Any applications and related correspondence sent by the owner or operator of the facility to any local, State, or Federal authorities in regard to waste water discharge permits, solid waste permits, building permits, or other permits or authorizations such as those required by §§ 761.70(d) and 761.41(c).

[44 FR 31542, May 31, 1979. Redesignated 47 FR 19527, May 6, 1982, and 47 FR 3736 Aug. 25, 1982]

§ 761.185 Certification program and retention of special records by persons generating PCBs in closed manufacturing processes and controlled waste manufacturing processes.

(a) In addition to meeting the basic requirements of § 761.1(f), PCB-generating manufacturing processes shall be considered "closed manufacturing processes" or "controlled waste manufacturing processes" (and thus, be excluded from the TSCA section 606 ban on manufacture), only if the owner/operator of the manufacturing facility:

(1) Performs either a theoretical analysis of PCB levels in releases or conducts actual sampling of PCB levels in releases.

(2) Determines that the disposal facility is qualified for the disposal of controlled wastes under § 761.33 (for controlled waste processes only).

(3) Maintains (for a period of 3 years after a process ceases operations or for 7 years, whichever is shorter) records containing the following information on the processes:

(i) *Theoretical analysis.* (A) The reaction or reactions believed to be producing the PCBs, the levels of PCB generated, and the levels of PCBs released.

(B) The basis for all estimations of PCB concentrations.

(C) The name and qualifications of the person or persons performing the theoretical analysis.

(ii) *Actual monitoring.* (A) The method of analysis.

(B) The results of the analysis, including data from the Quality Assurance Plan.

(C) The name of the analyst or analysts.

(D) The date and time of the analysis.

(iii) *Qualifications of the disposal facility.* (A) The type of disposal facility.

(B) The name of the disposal facility.

(C) The location of the disposal facility.

(D) If the disposal facility is a RCRA-approved incinerator, the basis for the determination that the incinerator qualifies for the destruction of the PCB wastes to be destroyed.

(b) The data collected, and the analysis performed under paragraph (a) of this section must support the following certification if the processes are to be excluded under the closed manufacturing process and controlled waste manufacturing process exclusion. Persons desiring exclusion of a PCB-generating process under the closed and controlled waste process exclusion shall certify that:

(1) An analysis of the manufacturing process for PCB levels and releases (either theoretical or through actual monitoring for PCBs) has been completed.

(2) The analysis of the manufacturing process is on record at the facility.

(3) The concentration of PCBs in air emissions is below 10 micrograms per cubic meter per resolvable gas chromatographic peak; in water effluents, below 100 micrograms per liter per resolvable gas chromatographic peak; and in products, below 2 micrograms per gram per resolvable gas chromatographic peak.

(4) Either:

(i) The concentration of PCBs in process wastes is below 2 micrograms per gram resolvable gas chromatographic peak.

(ii) All process wastes are either incinerated in a qualified incinerator (see § 761.3(nn)), landfilled in a landfill approved under § 761.75, or stored

for such incineration or landfilling in accordance with the requirements of § 761.65(b)(1).

(c) The certification must be signed by a responsible corporate officer. This certification must be filed at each facility in which a closed or controlled waste process is operating for a period of three years after a process ceases operation or for seven years, whichever is shorter, and must be made available to EPA upon request. For the purpose of this section, a responsible corporate officer means:

(1) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.

(2) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(d) This certification process must be repeated whenever process conditions are significantly modified to make the previous certification no longer valid. Significant modifications include changing disposal mechanisms or facilities for the disposal of controlled wastes.

(e) Any person signing a document under paragraph (b) (1) through (4) of this section shall also make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate information. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for falsifying information, including the possibility of fines and imprisonment for knowing violations.

Dated: _____

Signature _____

§ 762.1

(f) Manufacturers operating closed and controlled waste manufacturing processes shall transmit a letter to EPA notifying EPA of:

(1) The number, the type, and the location of the closed and controlled waste manufacturing processes.

(2) Whether the determinations that the processes qualify for exclusion are based on theoretical assessments or on actual monitoring of PCB levels in releases.

(3) The type, the name, and the location of the waste disposal facility, if the process is a controlled waste manufacturing process.

[47 FR 46996, Oct. 21, 1982]

PART 762—FULLY HALOGENATED CHLOROFLUOROALKANES

Subpart A—General Provisions

Sec.

762.1 Scope.

762.3 Definitions.

Subpart B—[Reserved]

Subpart C—Prohibitions, Exemptions, and Certification Requirements

762.45 Manufacturing.

762.50 Processing.

762.55 Distribution in commerce.

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Subpart D—Records and Reports

762.60 General reporting requirements.

762.65 Manufacturers of fully halogenated chlorofluoroalkanes for aerosol propellant uses.

762.70 Processors of fully halogenated chlorofluoroalkanes for aerosol propellant uses.

AUTHORITY: Toxic Substances Control Act, 15 U.S.C. 2605, 2607, and 2611.

SOURCE: 45 FR 43721, June 30, 1980, unless otherwise noted.

Subpart A—General Provisions

§ 762.1 Scope.

This part prohibits the manufacture, processing, and distribution in commerce of fully halogenated chlorofluoroalkanes for those aerosol propellant uses which are subject to the Toxic Substances Control Act (TSCA),

Title 40—Protection of Environment

requires submission of annual reports, and lists the exemptions to the prohibitions.

§ 762.3 Definitions.

For the purposes of this part:

(a) The term "aerosol propellant" means a liquefied or compressed gas in a container where the purpose of the liquefied or compressed gas is to expel from the container liquid or solid material different from the aerosol propellant.

(b) The term "person" includes any natural person, corporation, firm, company, joint venture, partnership, sole proprietorship, association, or any other business entity, any State or political sub-division thereof, any municipality, any interstate body and any department, agency, or instrumentality of the Federal Government.

(c) The term "nonconsumer article" means any article subject to TSCA which is not a "consumer product" within the meaning of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2052.

(d) The terms "Administrator," "chemical substance," "commerce," "distribute in commerce," "manufacture," "process," "processor," "State," and "United States" have the same meanings as in 15 U.S.C. 2602.

Subpart B—[Reserved]

Subpart C—Prohibitions, Exemptions, and Certification Requirements

§ 762.45 Manufacturing.

(a) After October 15, 1978, no person may manufacture, except to import, any fully halogenated chlorofluoroalkane for any aerosol propellant use except as follows:

(1) For use in an article which is a food, food additive, drug, cosmetic, or device exempted under 15 U.S.C. 2602;¹ or

(2) For those essential uses listed in § 762.58.

¹The Food and Drug Administration has promulgated separate regulations on use of fully halogenated chlorofluoroalkanes in these articles at 21 CFR 2.125.

To
Plant Managers

Date
August 14, 1985

cc: W. Graessle
R. Barton
Regional Managers

From
William Kaikis

Internal
Correspondence

Subject
Compliance with EPA Regulations Regarding
Polychlorinated Biphenyls (PCBs)

Service Group

The Spokane facility of the Service Division was recently the subject of an EPA inspection pertaining to compliance with the PCB regulations of the Toxic Substance Control Act (TSCA), 40 CFR Part 761 (attached). As a result of this inspection, penalties amounting to \$3825 were issued and collected for improper inspection of PCB Transformers (i.e., containing 500 parts per million PCB or greater), improper marking of said transformers, and failure to prepare an appropriate annual report regarding the inventory and disposition of PCB items. Furthermore, EPA stated that any similar violations occurring in other Service Division facilities could result in "repeat" violations, which may warrant even more stringent monetary penalties.

Based on the above information, it is imperative that you review your operations and insure that all PCB containing equipment comply with the TSCA regulations. In particular, insure that all transformers containing 500 parts per million (ppm) PCB or more are visually inspected at least once every three months if they are in use or stored for reuse. Records of this inspection and a maintenance history should be maintained for at least three (3) years after disposing of the transformer. In addition, insure that all PCB Containers, PCB Transformers, PCB Capacitors, electric motors containing PCB coolants, (hydraulic systems using PCB*), PCB article containers (as defined by the regulation) and all PCB and PCB item pre-disposal storage areas, are properly marked with the formal six (6) inch PCB mark illustrated in 40 CFR Part 761.45. Only if the equipment being marked is too small to accommodate the 6 inch mark may the smaller 2 inch mark be used. Finally, insure that all of the appropriate information, as described in 40 CFR 761.180 (a), is maintained on site and a formal annual report is maintained at your facility.

A brief summary of the PCB regulations is attached. If you have any questions, contact Mr. Michael J. O'Brien, Manager, Environmental Affairs at (713) 739-5612. Thank you for your cooperation in this matter.

William Kaikis
William Kaikis
WK:jh

att.

*Effective July 2, 1984, the use of hydraulic systems containing greater than 50 parts per million PCBs is not authorized.

**McGraw-Edison
Service**

Mr. D. Henry Elsen
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

NATIONAL ELECTRIC COIL
WASHINGTON SERVICE

Service Group
McGraw-Edison Company
941 Chatham Lane
Post Office Box 21390
Columbus, OH 43221

614 450 1200
TV X 25 80 1000

August 15, 1985

Re: P.C.B. Complaint at Spokane Facility
Docket No. 1085-03-20-2615P

Dear Mr. Elsen:

Please find enclosed a copy of our letter which was sent to all locations within the McGraw-Edison Service Division advising compliance with EPA Regulations regarding Polychlorinated Biphenyls (PCBs)

I have included a copy of same for you to pass on to Mr. Gil Haselberger.

Very truly yours,

William Kaikis
William Kaikis, Director
Industrial Relations

WK:jh

enc.

RECEIVED
AUG 16 1985
OFFICE OF REGIONAL COUNSEL
EPA - REGION X

CERTIFIED MAIL 5186157
RETURN RECEIPT REQUESTED

RECEIVED
JUL 19 1985

HEARING CLERK
EPA-REGION X

NATIONAL ELECTRIC COIL
WORTHINGTON SERVICE

Environmental Protection Agency, Region 10
Regional Hearing Clerk
P.O. Box 360903M
Pittsburgh, Pennsylvania 15251

Service Group
McGraw-Edison Company
941 Chatham Lane
Post Office Box 21366
Columbus, OH 43221

July 15, 1985

614 459 1200
TWX 810 482 1634

Docket No. 1085-03-20-2615P

Dear Sir:

In compliance with the order dated June 20, 1985, enclosed please find McGraw-Edison Service's check in the amount of \$3,825.00 constituting payment in full of the stipulated penalty.

Very truly yours,

William Kaikis

William Kaikis, Director
Industrial Relations

WK:jh

enc.

cc: ~~Regional~~ Hearing Clerk
Office of Regional Counsel
Environmental Protection Agency
1200 Sixth Avenue, M/S 613
Seattle, Washington 98101

J. Holm, Spokane
S. Waldbaum

RECEIVED
JUL 18 1985

PESTICIDES & TOXIC SUBSTANCES BRANCH
EPA, REGION 10

RECEIVED
JUL 18 1986

OFFICE OF REGIONAL COUNSEL
EPA - REGION X

Voucher	Invoice	Purchase Order	Invoice Date	Amount	Discount	Net Amount
	Settlement of EPA complaint		7/1/85	\$3,825.00		\$3,825.00

McGraw-Edison Service
Division of McGraw-Edison Company
P.O. Box 21396
Columbus, Ohio 43221

National Electric Coil
Worthington Service

McGRAW-EDISON 2000- 615289 66-49
531

by	Date 7/2/85	Check No. 615289	Amount *\$3,825.00*
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***THREE THOUSAND EIGHT HUNDRED TWENTY-FIVE DOLLARS AND 00/100 CENTS**

to the order of

United States Treasurer

McGraw-Edison Service
Division of McGraw-Edison Company
P.O. Box 21396
Columbus, Ohio 43221

Sonia Kelly

Vachovia Bank & Trust Company, N.A.
Winston-Salem, NC 27102

National Electric Coil/Worthington Service

(b) (6)

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF: M/S 524

JUL 11 1985

William Kaikis, Director
Industrial Relations
McGraw-Edison Service
Service Group
P.O. Box 21396
Columbus, Ohio 43221

RE: Docket No. 1085-03-20-2615P

Dear Mr. Kaikis:

We have now had an opportunity to review the Annual Reports submitted for National Electric Coil, Spokane, Washington. The format of the reports is good and appears to have all of the required information. We would make the following suggestions:

1. PCBs and PCB Items disposed of in one year should not be carried over onto the Annual Reports for subsequent years. For example, the PCBs disposed of on June 10, 1982, do not need to appear on your 1983 and 1984 Annual Reports.

2. For the 55-gallon drum disposed of on January 30, 1984, the date removed from service and the date placed into storage are both listed as January 30, 1984. This seems unlikely, since you had submitted a Disposal Request to the Department of Environmental Quality on January 5, 1984. You must include all three dates on the Annual Report if they are different.


We have also reviewed your proposed memorandum to McGraw-Edison Service Division Plant Managers. We have indicated some changes and are enclosing this revised version for your use. For your information, I want to provide a little context for two of the changes. First, concerning Annual Reports, we wanted to stress that these reports are basically a "birth-to-death" document, and so must contain information on current inventory, as well as information on disposal activities, as outlined in 40 C.F.R. 761.180(a). Second, as a result of a prohibition effective July 2, 1984, if any of your facilities have hydraulic systems containing 50 parts per million PCB or greater, it is incumbent on you to immediately take steps to reduce the PCB concentration through retrofilling, followed up by retesting after three months of in-service use to verify that the systems contain less than 50 parts per million PCB. You may want to address this point in more detail in the memorandum or some subsequent communication to your plant managers since any current use of hydraulic systems above this concentration constitutes a violation of the regulations.

-2-

Generally speaking, the memorandum looks good, and we are satisfied with it as it now reads (aside from the point on hydraulic systems). Please send us a copy of the final memorandum and a list of the facilities it has been sent to.

If you have any future questions regarding this matter, please contact me (telephone (206)442-1094) or William Hedgebeth of my staff.

Sincerely,


Gil Haselberger, Chief
Toxic Substances Section

Enclosure

cc: D. Henry Elsen/ORC

JUN 10 1985

DATE: June 13, 1985
TO: All McGraw-Edison Service Division
Plant Managers
FROM: Bill Kaikis
RE: Compliance with EPA Regulations Regarding Polychlorinated
Biphenyls (PCBs)

The Spokane facility of the Service Division was recently the subject of an EPA inspection pertaining to compliance with the PCB regulations of the Toxic Substance Control Act (TSCA), 40 CFR Part 761 (attached). As a result of this inspection, penalties amounting to \$3825 were ^{collected} ~~issued~~ for improper inspection of PCB ~~containing~~ ^(i.e., containing 500 parts per million PCB or greater) Transformers, improper marking of said transformers, and failure to prepare an appropriate annual report regarding the ^{inventory and} ~~disposition~~ of PCB items. Furthermore, EPA stated that any similar violations occurring in other Service Division facilities could result in "repeat" violations, which may warrant even more stringent monetary penalties.

Based on the above information, it is imperative that you review your operations and insure that all PCB containing equipment comply with the TSCA regulations. In particular, insure that all transformers containing 500 parts per million (ppm) PCB or more are visually inspected at least once every three months if they are in use or stored for reuse. Records of this inspection and a maintenance history should be maintained for at least three (3) years after disposing of the transformer. In addition, insure that all PCB Containers, PCB ~~containing~~ Transformers, PCB Capacitors, electric motors containing PCB coolants, [hydraulic systems using PCB*]

* effective July 2, 1984, the use of hydraulic systems containing greater than 50 parts per million PCBs not authorized. (This information should be included in your memorandum).

PCB article containers (as defined by the regulation) and all PCB and PCB item pre-disposal storage areas, are properly marked with the formal six (6) inch PCB mark illustrated in 40 CFR Part 761.45. Only if the equipment being marked is too small to accommodate the 6 inch mark may the smaller 2 inch mark be used. Finally, insure that all of the appropriate information, as described in 40 CFR 761.180 (a), is maintained on site and a formal annual report is maintained at your facility.

A brief summary of the PCB regulations is also attached. If you have any questions contact Mr. Michael J. O'Brien, Manager, Environmental Affairs at (713) 739-5612. Thank you for your cooperation in this matter.

Sincerely,

Bill Kaikis

MJ01/d/bs

Attachment

1
2
3
4
5
6
7
8 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
9 BEFORE THE REGIONAL ADMINISTRATOR
10 Region 10
11 Seattle, Washington

12 IN THE MATTER OF)
13) Docket No. 1085-03-20-2615P
14)
15 MCGRAW EDISON SERVICE)
16 NATIONAL ELECTRIC COIL,) CONSENT AGREEMENT
17) AND FINAL ORDER
18 Respondent.)
19)
20)
21)

22 This administrative proceeding for the assessment of civil penalties
23 was initiated by complaint issued May 17, 1985, pursuant to Section 16(a) of
24 the Toxic Substances Control Act (15 U.S.C. §2615(a)), hereinafter "TSCA."
25 After an informal telephone conference held on June 5, 1985, the following
26 Consent Agreement has been entered into by McGraw Edison Company, McGraw
27 Edison Service Division ("McGraw"),^{1/} and the Environmental Protection
28 Agency ("EPA").

FINDINGS OF FACT

1. Three PCB transformers are maintained in active, in-service use
by McGraw's Spokane facility, located at North 415 Fancher Road in Spokane,
Washington.

^{1/} At or near the time of the issuance of the complaint in this matter,
McGraw Edison, Inc. was purchased by Cooper Industries of Houston, Texas.
McGraw Edison, Inc. agrees and warrants that all obligations described in this
agreement and order are binding upon this new owner.

2. No quarterly inspections, as defined in 40 C.F.R. §761.30(a)(1), of the three PCB Transformers described in paragraph 1 above were performed by McGraw between April 1 and June 30, 1984.

3. On August 3, 1984, the three PCB Transformers described in paragraph 1 above were not labeled with a six inch by six inch label, as required by 40 C.F.R. §761.40(a)(2), and described in 40 C.F.R. §761.45.

4. As of August 3, 1984, no annual reports were developed or maintained for the years of 1978-1983, for the facility described in paragraph 1 above, as the term "annual report" is defined in 40 C.F.R. §761.180(a).

CONCLUSIONS OF LAW

1. McGraw's activities, as stated in the Findings of Fact, constitute violations of Section 15 of TSCA, 15 U.S.C. §2614, and the following regulations:

- a. 40 C.F.R. §761.30(a)(1) (use without quarterly inspections)
- b. 40 C.F.R. §761.40(a)(2) (labeling)
- c. 40 C.F.R. §761.180(a) (recordkeeping).

AGREEMENT

1. EPA has jurisdiction pursuant to TSCA over respondent and this proceeding.

2. In full and complete settlement of this matter, including all counts and allegations contained in the Complaint, McGraw will do the following:

- a. McGraw Edison Service Division will submit the annual reports for McGraw's Spokane facility (as described in Findings of Fact, paragraph 1) for the year 1983 to Mr. Bill Hedgebeth, EPA Region 10, 1200 Sixth Avenue, M/S 524, Seattle, Washington 98101. EPA will review the report for technical compliance with 40 C.F.R. §761.180(a)(1).

b. McGraw Edison Service Division will submit to EPA a draft of a letter which will be sent to other facilities in the McGraw organization that use PCB Items or Transformers. The letter will warn of possible ramifications of future liability for violations similar to those that are the subject of this proceeding. EPA will review the letter for technical accuracy, and submit comments to McGraw. After agreement on the content of the letter, Mr. Kaikas will send the letter to the appropriate McGraw facilities.

c. McGraw will pay a civil penalty totalling Three Thousand Eight Hundred and Twenty-Five Dollars (\$3,825.00) to EPA. This amount represents the originally assessed penalty less a fifteen percent (15%) credit to McGraw for the "attitude" of McGraw, as provided in the TSCA penalty policy, 45 F.R. 59770 (Sept. 10, 1980). The attitude credit is given in recognition of the above-described activities, and McGraw's efforts to correct the violations described in this agreement.

3. By agreement herein, McGraw waives its rights to a hearing on the facts, and its right of appeal of the complaint or this agreement and order.

Dated: 6/28/85

By: Stanley L. Wells

Of Attorney for
McGraw Edison Service Division
McGraw Edison Co.

Dated: 6/13/85

By: D. Henry Elsen

D. Henry Elsen
Assistant Regional Counsel
Environmental Protection Agency
Region 10

1 ORDER

2 1. McGraw Edison Service Division, McGraw Edison Company shall pay
3 the total of Three Thousand Eight Hundred and Twenty-Five Dollars (\$3,825.00)
4 within thirty (30) days of the date of this ORDER.

5 Payment of this penalty shall be made by check payable to the United
6 States Treasurer, remitted to the following:

7 Environmental Protection Agency, Region 10
8 (Regional Hearing Clerk)
9 P.O. Box 360903M
Pittsburgh, Pennsylvania 15251


10 with a copy to the

11 Regional Hearing Clerk
12 Office of Regional Counsel
13 Environmental Protection Agency
1200 Sixth Avenue, M/S 613
Seattle, Washington 98101

14 2. McGraw Edison Service Division, McGraw Edison Company shall
15 submit any annual reports for the year 1983, as the term "annual reports" is
16 defined by 40 C.F.R. §761.180(a), for its Spokane, Washington facility, to
17 EPA, within thirty (30) days of the date of this ORDER.

18 3. McGraw Edison Service Division, McGraw Edison Company shall
19 submit a draft of a letter advising other McGraw Edison Service Division
20 facilities of the potential ramifications of liability for similar violations
21 to EPA within thirty (30) days of the date of this ORDER. After the content
22 of this letter is agreed upon between McGraw and EPA, McGraw will send this
23 letter to its Service Division facilities which may use PCB Items or
24 Transformers.

25 DATED this 20th day of June 1985.

26
27 
28 ERNESTA B. BARNES
Regional Administrator
U.S. Environmental Protection Agency

**NATIONAL ELECTRIC COIL
WORTHINGTON SERVICE**

Mr. William Hedgebeth
Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Service Group
McGraw-Edison Company
941 Chatham Lane
Post Office Box 21386
Columbus, OH 43221

June 19, 1985

614 459 1200
TWX 810 482 1834

Re: Docket No. 1085-03-202615P

Dear Mr. Hedgebeth:

In accordance with our recent telephone conversation, I have enclosed copies of both the annual PCB reports and the quarterly transformer inspection reports from our Spokane facility. In our settlement conference, Mr. Elsen requested that I mail you copies of these reports for your files.

As you can see, these reports are in order and will be kept up to date hereafter. Mr. Jon Holmes, our Plant Manager at Spokane, will be responsible for maintaining and seeing that all PCB regulations are met.

I trust that you will find these records in order. It is my understanding that Mr. Elsen will be sending Mr. Waldbaum a settlement agreement on this matter.

Very truly yours,


William Kaikis, Director
Industrial Relations

WK:jh

enc.

cc: J. Holmes
S. Waldbaum

RECEIVED
JUN 24 1985

PESTICIDES & C SUBSTANCES BRANCH
EPA, REGION 10

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EPA, REGION 10

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P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Mc Graw-Edison Service

Address:

N. 415 Fancher Road / Spokane, WA 99212

Transformer Location:

South east part of building

Date entered Plant or Storage:

unknown

Stock #

UNIT # 1
as marked, only ID
available
unknown

Serial #

Make

unknown

Voltage

unknown

Oil Capacity 476.19 kilograms

P.C.B. Concentration 58,100 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
June 30,	1981	L. Martin	NO	
Sept. 31,	1981	L. Martin	NO	
Dec. 31,	1981	L. Martin	NO	
March 31,	1982	L. Martin	NO	
June 30,	1982	L. Martin	NO	
Sept. 30,	1982	L. Martin	NO	
Dec. 31,	1982	L. Martin	NO	

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
2. All other PCB transformers must be inspected for leaks at least once every three months.
3. Any "moderate leak" discovered by the inspection must be repaired and cleaned or the transformer replaced beginning within 2 days from the time the leak is observed. Moderate leaks from transformers posing an exposure risk to food or feed products must be reported to the EPA within 5 days from the date the leak is observed.
4. Records must be kept of the following:
 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User: _____ Stock # UNIT # 1
Address: _____ Serial # _____
Transformer Location: _____ Make _____
Date entered Plant or Storage: _____ Voltage _____
Oil Capacity _____
P.C.B. Concentration 58,100 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	--------------	---------------	--

June	198			
------	-----	--	--	--

Sept.	198			
-------	-----	--	--	--

Dec.	198			
------	-----	--	--	--

March 30, 1983	<i>L. Martin</i>	NO		
----------------	------------------	----	--	--

June 30, 1983	<i>L. Martin</i>	NO		
---------------	------------------	----	--	--

Sept. 30, 1983	<i>L. Martin</i>	NO		
----------------	------------------	----	--	--

Dec. 30, 1983	<i>L. Martin</i>	NO		
---------------	------------------	----	--	--

INSPECTION PROCEDURE

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P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # Unit # 1

Address:

Serial # *no nameplate
unknown*

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity *476.19 Kg.*

P.C.B. Concentration *58,100* P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
June	198			
Sept.	198			
Dec.	198			
March	1984	<i>LM</i>	<i>NO</i>	
June	1984			<i>(inspected by Larry Martin, not recorded)</i>
Sept.	1984	<i>JRB</i>	<i>NO</i>	
Dec.	1984	<i>JRB</i>	<i>NO</i>	

INSPECTION PROCEDURE

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These records must be kept for a period of 3 years after disposing of transformer.

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EPA, REGION 10

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # Unit # 1

Address:

Serial # no nameplate

Transformer Location:

Make *unknown*

Date entered Plant or Storage:

Voltage "

Oil Capacity *476.19 Kg*

P.C.B. Concentration *58,100* P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	--------------	---------------	--

January	31, 1985	<i>J. Benning</i>	<i>no</i>	
February	198			
March	29, 1985	<i>J. Welch</i>	<i>No</i>	
April	198			
May	198			
June	198			
July	198			
August	198			
September	198			
October	198			
November	198			
December	198			

INSPECTION PROCEDURE

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These records must be kept for a period of 3 years after disposing of transformer.

PESTICIDES & SUBSTANCES BRANCH
EPA, REGION 10

RECEIVED
JUN 24 1985

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Mc Graw-Edison Service

Address:

N. 415 Fancher Road
Spokane, WA 99212

Transformer Location:

south-east part of building

Date entered Plant or Storage:

unknown

Stock #, UNIT # 2

as marked, only ID
available

Serial #

unknown

Make

unknown

Voltage

unknown

Oil Capacity . 476.19 kilograms

P.C.B. Concentration 46,900 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June 30,	1981	L Martin	NO	
----------	------	----------	----	--

Sept 31,	1981	L Martin	NO	
----------	------	----------	----	--

Dec. 31,	1981	L Martin	NO	
----------	------	----------	----	--

March 31,	1982	L Martin	NO	
-----------	------	----------	----	--

June 30,	1982	L Martin	NO	
----------	------	----------	----	--

Sept 30,	1982	L Martin	NO	
----------	------	----------	----	--

Dec. 31,	1982	L Martin	NO	
----------	------	----------	----	--

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
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4. Records must be kept of the following:
 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 2

Address:

Serial # *unknown*

Transformer Location:

Make "

Date entered Plant or Storage:

Voltage 1

Oil Capacity *476.19 Kg*

P.C.B. Concentration *46,900* P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	--------------	---------------	--

June 198

Sept. 198

Dec. --- 198

March 30, 1983 *L Martin* NO

June 30, 1983 *L Martin* NO

Sept. 30, 1983 *L Martin* NO

Dec. 30, 1983 *L Martin* NO

INSPECTION PROCEDURE

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 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

PESTICIDES & C SUBSTANCES BRANCH
EPA, REGION 10

RECEIVED
JUN 24 1985

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # Unit # 2

Address:

Serial # *unknown*

Transformer Location:

Make "

Date entered Plant or Storage:

Voltage "

Oil Capacity *476.19*

P.C.B. Concentration *46,900* P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June 198

Sept. 198

Dec. 198

March 1984

June 1984

Sept. 1984

Dec. 1984

LRB *NO*

(inspected by Jerry Martin - not recorded)

LRB *NO*

LRB *NO*

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
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These records must be kept for a period of 3 years after disposing of transformer.

PESTICIDES &
EPA, REGION 10
C SUBSTANCES BRANCH

REC'D
JUN 24 1985

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # Unit # 2

Address:

Serial # no nameplate

Transformer Location:

Make *unknown*

Date entered Plant or Storage:

Voltage "

Oil Capacity *476.19*

P.C.B. Concentration *46,900* P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	--------------	---------------	--

January	31, 1985	<i>J. Benning</i>	<i>cad</i>	
---------	----------	-------------------	------------	--

February	198			
----------	-----	--	--	--

March	29, 1985	<i>J. Walsh</i>	<i>No</i>	
-------	----------	-----------------	-----------	--

April	198			
-------	-----	--	--	--

May	198			
-----	-----	--	--	--

June	198			
------	-----	--	--	--

July	198			
------	-----	--	--	--

August	198			
--------	-----	--	--	--

September	198			
-----------	-----	--	--	--

October	198			
---------	-----	--	--	--

November	198			
----------	-----	--	--	--

December	198			
----------	-----	--	--	--

INSPECTION PROCEDURE

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These records must be kept for a period of 3 years after disposing of transformer.

PESTICIDES & C. SUBSTANCES BRANCH
EPA, REGION 10

RECEIVED
JUN 24 1985

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:
Mc Graw-Edison Service

Address:
N. 415 Fancher Road
Spokane, WA 99212
Transformer Location:

south-east part of building
Date entered Plant or Storage:
unknown

Stock # UNIT # 3
as marked, only ID
available
Serial #
unknown

Make unknown

Voltage unknown

Oil Capacity 476.19 kilograms

P.C.B. Concentration 90,100 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	--------------	---------------	--

June 30, 1981		L. Martin	NO	
---------------	--	-----------	----	--

Sept. 31, 1981		L. Martin	NO	
----------------	--	-----------	----	--

Dec. 31, 1981		L. Martin	NO	
---------------	--	-----------	----	--

March 31, 1982		L. Martin	NO	
----------------	--	-----------	----	--

June 30, 1982		L. Martin	NO	
---------------	--	-----------	----	--

Sept. 30, 1982		L. Martin	NO	
----------------	--	-----------	----	--

Dec. 31, 1982		L. Martin	NO	
---------------	--	-----------	----	--

INSPECTION PROCEDURE

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These records must be kept for a period of 3 years after disposing of transformer

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EPA, REGION 10

RECEIVED
JUN 24 1985

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User: _____ Stock # UNIT # 3
Address: _____ Serial # *unknown*
Transformer Location: _____ Make: _____
Date entered Plant or Storage: _____ Voltage: _____
Oil Capacity *476.19 Kg*
P.C.B. Concentration *90,100* P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
June	198			
Sept.	198			
Dec.	198			
March 30, 1983		<i>L. Martin</i>	<i>NO</i>	
June 30, 1983		<i>L. Martin</i>	<i>NO</i>	
Sept. 30, 1983		<i>L. Martin</i>	<i>NO</i>	
Dec. 30, 1983		<i>L. Martin</i>	<i>NO</i>	

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
2. All other PCB transformers must be inspected for leaks at least once every three months.
3. Any "moderate leak" discovered by the inspection must be repaired and cleaned or the transformer replaced beginning within 2 days from the time the leak is observed. Moderate leaks from transformers posing an exposure risk to food or feed products must be reported to the EPA within 5 days from the date the leak is observed.
4. Records must be kept of the following:
 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # Unit # 3

Address:

Serial # no nameplate

Transformer Location:

Make *unknown*

Date entered Plant or Storage:

Voltage "

Oil Capacity *476.19*

P.C.B. Concentration *90,100* P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
January	31, 1985	<i>J. Benning</i>	<i>no</i>	
February	198			
March	29, 1985	<i>J. Welch</i>	<i>no</i>	
April	198			
May	198			
June	198			
July	198			
August	198			
September	198			
October	198			
November	198			
December	198			

INSPECTION PROCEDURE

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 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

PESTICIDES & C SUBSTANCES BRANCH
EPA, REGION 10

RECEIVED
JUN 24 1985

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # Unit # 3

Address:

Serial # *unknown*

Transformer Location:

Make "

Date entered Plant or Storage:

Voltage "

Oil Capacity *476.19*

P.C.B. Concentration *90,100* P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June	198			
------	-----	--	--	--

Sept.	198			
-------	-----	--	--	--

Dec.	198			
------	-----	--	--	--

March	1984	<i>LM</i>	<i>NO</i>	
-------	------	-----------	-----------	--

June	1984			
------	------	--	--	--

Sept.	1984	<i>ARB</i>	<i>NO</i>	
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Dec.	1984	<i>ARB</i>	<i>NO</i>	
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INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
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4. Records must be kept of the following:
 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

PESTICIDES & C SUBSTANCES BRANCH
EPA, REGION 10

RECEIVED
JUN 24 1985

PCB ANNUAL REPORT
for year ending Dec. 31, 1984

OUT OF SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>	<u>Action*</u>	<u>Date</u>
PCBs or PCB Items in Containers	2 ea.	55 gal drums (1 @ 57 gal=134 PPM)	414 kg.	R-S-T	6/10/82
	1 ea.	55 gal drum (1 @ 55 gal-less than 1 PPM)		R-S-T	1/30/84
		(1 @ 13 gal=80 PPM)	(total) 58.5 kg.		
PCB Transformers	1 ea.	(less than 1 PPM)	(of PCBs) N/A	R-S-T	6/10/82
PCB Large Capacitor		—	—		

DESTINATION

<u>Identification</u>	<u>Facility Location</u>	<u>Facility Owner/Operator</u>
Chem-Security Systems, Inc.	Arlington , OR	Mr. J. Craig McKenzie Gen. Mgr.

IN SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>
PCBs or PCB Items in Containers			(total)
PCB Transformers	3 ea.	333 KVA test transformers	(of PCBs) 1428.57 kg
PCB Large Capacitor		—	—

= removed from service
= placed into storage for disposal
= transported to disposal

for year ending Dec 31, 19 83

OUT OF SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>	<u>Action*</u>	<u>Date</u>
PCBs or PCB Items in Containers	2 ea.	55 gal. drums	414 kg. (92 gal) (total)	R-S-T	6/10/82
PCB Transformers	1 ea.	less than 1 ppm (of PCBs) N/A		R-S-T	6/10/82
PCB Large Capacitor					

DESTINATION

Identification

CHEN-SECURITY SYSTEMS, INC

Facility Location

Arlington, OR

Facility Owner/Operator

Mr. J. Craig McKensie
Gen. Mgr.

IN SERVICE

Category

#

Identification

Weight(kg)

PCBs or PCB Items in Containers

(total)

PCB Transformers

3 ea.

333 KVA test transformers

(of PCBs)
1428.57 kg

PCB Large Capacitor

R = removed from service
S = placed into storage for disposal
T = transported to disposal

RECEIVED

JUN 24 1985

PESTICIDES & C SUBSTANCES BRANCH
EPA, REGION 10

PCB ANNUAL REPORT
for year ending Dec 31, 19 82

OUT OF SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>	<u>Action*</u>	<u>Date</u>
PCBs or PCB Items in Containers	2 ea.	55 gal. drums	414 kg (92 gal.) (total)	R-S-T	6/10/82
PCB Transformers	1 ea.	less than 1 lb of PCBs	N/A	R-S-T	6/10/82
PCB Large Capacitor					

DISPOSITION

<u>Identification</u>	<u>Facility Location</u>	<u>Facility Owner/Operator</u>
CHEM-SECURITY SYSTEMS, INC.	Arlington, OR	Mr. J. Craig McKenzie Gen. Mgr.

IN SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>
PCBs or PCB Items in Containers			(total)
PCB Transformers	3 ea.	333 KVA test transformers	(of PCBs) 1428.57 kg
PCB Large Capacitor			

R = removed from service
 S = placed into storage for disposal
 T = transported to disposal

PCB ANNUAL REPORT
for year ending Dec 31, 19 81

1. OUT OF SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>	<u>Action*</u>	<u>Date</u>
PCBs or PCB Items in Containers			(total)		
PCB Transformers		—	(of PCBs)		
PCB Large Capacitor		—	—		

2. DESTINATION

<u>Identification</u>	<u>Facility Location</u>	<u>Facility Owner/Operator</u>
-----------------------	--------------------------	--------------------------------

3. IN SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>
PCBs or PCB Items in Containers			(total)
PCB Transformers	3 ea.	333 KVA test transformers	(of PCBs) 1428.57 kg
PCB Large Capacitor		—	—

*R = removed from service
S = placed into storage for disposal
T = transported to disposal

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JUN 24 1985

PESTICIDES & C SUBSTANCES BRANCH
EPA, REGION 10

PCB ANNUAL REPORT
for year ending Dec 31, 19 80

1. OUT OF SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>	<u>Action*</u>	<u>Date</u>
PCBs or PCB Items in Containers			(total)		
PCB Transformers		—	(of PCBs)		
PCB Large Capacitor		—	—		

2. DESTINATION

<u>Identification</u>	<u>Facility Location</u>	<u>Facility Owner/Operator</u>
-----------------------	--------------------------	--------------------------------

3. IN SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>
PCBs or PCB Items in Containers			(total)
PCB Transformers	3 ea.	333 KVA test transformers	(of PCBs) 1428.57 kg
PCB Large Capacitor		—	—

*R = removed from service
S = placed into storage for disposal
T = transported to disposal

RECEIVED

JUN 24 1985

PESTICIDES & HAZARDOUS SUBSTANCES BRANCH
EPA, REGION 10

PCB ANNUAL REPORT
for year ending Dec 31., 19 79

1. OUT OF SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>	<u>Action*</u>	<u>Date</u>
PCBs or PCB Items in Containers			(total)		
PCB Transformers		—	(of PCBs)		
PCB Large Capacitor		—	—		

2. DESTINATION

<u>Identification</u>	<u>Facility Location</u>	<u>Facility Owner/Operator</u>
-----------------------	--------------------------	--------------------------------

3. IN SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>
PCBs or PCB Items in Containers			(total)
PCB Transformers	3 ea.	333 KVA test transformers	(of PCBs) 1428.57 kg
PCB Large Capacitor		—	—

R = removed from service
S = placed into storage for disposal
T = transported to disposal

PCB ANNUAL REPORT
for year ending Dec 31., 19 78

1. OUT OF SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>	<u>Action*</u>	<u>Date</u>
PCBs or PCB Items in Containers			(total)		
PCB Transformers		—	(of PCBs)		
PCB Large Capacitor		—	—		

2. DESTINATION

<u>Identification</u>	<u>Facility Location</u>	<u>Facility Owner/Operator</u>
-----------------------	--------------------------	--------------------------------

3. IN SERVICE

<u>Category</u>	<u>#</u>	<u>Identification</u>	<u>Weight(kg)</u>
PCBs or PCB Items in Containers			(total)
PCB Transformers	3 ea.	333 KVA test transformers	(of PCBs) 1428.57 kg
PCB Large Capacitor		—	—

*R = removed from service
S = placed into storage for disposal
T = transported to disposal

RECEIVED

JUN 24 1985

PESTICIDES & C SUBSTANCES BRANCH
EPA, REGION 10

Notes on Settlement Conference: McGraw Edison Service, National Electric
Coil, Spokane, Washington --- JUNE 5, 1985 - notes of William M.
Hedgebeth

(telephone conference call)

EPA employees present:

D. Henry Elsen, ORC, Attorney
Gil Haselberger, Chief, Toxic Substances Section
William Hedgebeth, Toxic Substances Section

McGraw Edison employees present

William Kaikas, Director, Industrial Relations, worldwide, Columbus,
Ohio
Stanley Waldbaum, Divisional Counsel, Fairfield, New Jersey

Waldbaum - Kaikas communicated w/ plant regarding violations - re
mitigating circumstances.

Kaikas - communication problem w/i organizations - policies not
being communicated effectively - management changes made -
plant not doing well - do want to comply w/ regs throughout
organization.

Waldbaum - Quarterly Inspection penalty seems to be harsh for type of
violation - did miss one quarter. Continued Q.I.
afterwards as required - \$3,000 seems hard - no leakage,
nothing improper.

Haselberger - explained penalty matrix.

Hedgebeth - Advise that Q.I. violation was use violation, not
recordkeeping violation, that transformers could not be
used w/o inspections' being performed.

Kaikas - aware of penalty matrix.

Waldbaum - violations now taken care of - Spokane facility cannot
afford penalty.

Haselberger - asked what in procedures allowed Q.I. not to take place.

Waldbaum - plant manager switch. new manager not aware of need to
remind one person - considering elimination of transformers
whether through retrofit or otherwise (no current absolute
intentions).

They (Waldbaum, Kaikas) were not aware of previous Notice of Warning.

Marking - No comment - corrected.

Page Two - Settlement Conference (TSCA) - McGraw Edison Service,
Spokane, Washington - June 5, 1985

Annual Reports - No comment - reconstructed back to 1979 (will send to
Hedgebeth).

Haselberger - advised that complaints at one facility of corporation
could result in incremental penalties at other facilities
where violations occurred.

McGraw Edison Service acquired by Cooper Industries - McGraw Edison does
not now officially exist (although they still use name).

Spokane facility (electrical repair plant)	\$875,000
income ('85)	- \$5,000

(candidate for closing for some time now)
(penalty would not in itself be basis for closing per McGraw)

Conference (EPA)

offer 15% - good attitude
and distribution of regs/blue/book/cover memo to 10-12 facilities on
EPA concurrence.
\$3,825 after reduction

Return Call - Settlement offer to Bill Kaikas

15% reduction based on communication to facilities
\$3,825 cash penalty

Kaikas said much distribution has already taken place.

Kaikas will submit draft letter for our review - also annual reports for
review.

Henry will draft Consent Agreement and communicate w/ Stanley W.

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



May 17, 1985

REPLY TO M/S 613
ATTN OF:

CERTIFIED MAIL - RETURNED RECEIPT REQUESTED

Jon Holm, Plant Manager
McGraw Edison Service
National Electric Coil
P.O. Box 3505 T.A.
Spokane, Washington 99220

Re: Docket No. 1085-03-20-2615P

Dear Mr. Holm:

Enclosed you will find a Complaint and Notice of Opportunity for Hearing and a copy of the Rules of Practice applicable to this proceeding. You are hereby advised to read this document carefully and communicate your answer within the time limit specified.

The Complaint alleges that your company, McGraw Edison Service, National Electric Coil, Spokane, Washington, violated quarterly inspection, marking, and records provisions of the PCB Regulations issued pursuant to the Toxic Substances Control Act. Accordingly, it is of considerable importance that you attend to this matter forthwith.

If you have any questions regarding this matter, contact D. Henry Elsen, Attorney, at the above address, Mail Stop 613, or telephone number (206) 442-1169.

Sincerely,

Gary L. O'Neal, Director
Air and Toxics Division

Enclosures

cc: Regional Hearing Clerk
D. Henry Elsen
John A. Foley, EPA Headquarters
Anita Frankel, Air and Toxics Division
William Hedgebeth, Air and Toxics Division

RECEIVED
MAY 20 1985

PESTICIDES AND TOXIC
SUBSTANCES BRANCH

1
2
3
4 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
5 BEFORE THE REGIONAL ADMINISTRATOR
6 Region 10
7 Seattle, Washington

8 In the Matter of

9 MCGRAW EDISON SERVICE
10 NATIONAL ELECTRIC COIL,
11 Respondent.

DOCKET NO. 1085-03-20-2615P

COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING

12 I.

13 COMPLAINT

14 This is an administrative action instituted pursuant to Section
15 16(a) of the Toxic Substances Control Act [15 U.S.C. §2615(a)], hereinafter
16 "the Act," for the assessment of a civil penalty and negotiation of a Consent
17 Agreement and Final Order prescribing a corrective control program. The
18 complainant is Region 10, United States Environmental Protection Agency,
19 hereinafter "EPA." Complainant has reason to believe that the above-named
20 respondent has violated Federal regulations addressing the use and/or
21 disposal of polychlorinated biphenyls (PCBs) (40 C.F.R. Part 761 promulgated
22 under Section 6 of the Act), and thereby has violated Section 15 of the Act,
23 15 U.S.C. §2614.
24
25
26
27
28

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING - 1

1 On August 3, 1984, an EPA inspection was performed at McGraw Edison
2 Service, National Electric Coil, Spokane, Washington. The purpose of the
3 inspection was to determine compliance with the Toxic Substances Control Act
4 (TSCA) (15 U.S.C. §2601, et seq) and specifically the PCB regulations
5 pursuant to 40 C.F.R. Part 761. The inspection disclosed the following
6 violations:

7
8 I. Regulation - Quarterly Inspections

9
10 40 C.F.R. §761.30(a)(1) requires that owners of PCB Transformers
11 in use or stored for reuse:

- 12
13 a) visually inspect each PCB Transformer at least once
14 every three months;
15 b) record all leaks and conduct servicing within two
16 business days from the date a moderate leak is
17 observed; and
18 c) maintain records of the inspections and servicing
19 history.

20 The use of PCB Transformers and Capacitors, as outlined in 40
21 C.F.R. Part 761, is allowed only if the persons using that
22 equipment comply with these steps.

23 Violation One

24 There were no quarterly inspections performed of three PCB
25 Transformers in use by respondent during the quarter
26 April-June 1984.

1 II. Regulation - Marking

2
3 40 C.F.R. §761.40(a)(2) requires that all PCB Transformers be
4 marked in accordance with 40 C.F.R. §761.45. All marks must be
5 placed in a position on the exterior of the PCB Item so that they
6 can be easily read by any person inspecting or servicing the
7 marked PCB Item.

8
9 Violation Two

10
11 The three PCB Transformers at your facility were not marked
12 with the required six inch by six inch PCB label.

13 (Although the equipment did have three inch by three inch
14 labels, such smaller labels are only allowed if the
15 equipment is too small for the six inch by six inch label.

16 The transformers were of sufficient size as to readily
17 accept the larger label.)
18

19 III. Regulation - Records & Monitoring

20
21 40 C.F.R. §761.180(a) requires that, beginning July 2, 1978,
22 facilities using or storing at one time at least 45 kilograms
23 (99.4 pounds) of PCBs contained in PCB Container(s) or one or
24 more PCB Transformers or 50 or more PCB Large High or Low Voltage
25 Capacitors develop and maintain records on the disposition of the
26 PCBs and PCB Items. The records shall form the basis of an
27
28

annual document prepared by July 1, covering the previous calendar year. The annual document shall include:

- 1) a) The dates when PCBs and PCB Items are:
 - i) removed from service,
 - ii) placed into storage for disposal,
 - iii) placed into transport for disposal;
 - b) the quantities of PCBs and PCB Items removed from service including:
 - i) total weight in kilograms of PCBs contained in PCB Containers, with the identification of content in the containers,
 - ii) total number of PCB Transformers and total weight in kilograms of PCBs contained in the transformers,
 - iii) total number of PCB Large High or Low Voltage Capacitors;
 - c) the location of the initial disposal or storage facility for PCBs and PCB Items removed from service;
- 2) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year, including:
 - a) total weight in kilograms of any PCBs and PCB Items in PCB Containers, with the identification of content in the container,
 - b) total number of PCB Transformers and total weight in kilograms of PCBs in the transformers,
 - c) total number of PCB Large High or Low Voltage Capacitors.

Violation Three

There were no Annual Reports for 1978-1983 at your facility. At the time of the EPA inspection, there were at least three PCB Transformers in service at your facility. In addition to information regarding these transformers, any 1982 Annual Report should include information regarding three PCB Items shipped to Chem Security Systems, Inc. on June 10, 1982.

1 GENERAL ALLEGATION REGARDING PRIOR VIOLATIONS

2 II.

3 This was the second violative TSCA PCB inspection performed by
4 EPA at National Electric Coil in Spokane, Washington. The firm was first
5 inspected on March 12, 1982. A "Notice of Warning" was issued on May 13,
6 1982, citing the following violations:

- 7 1. Records and Monitoring (No Annual Reports)
8 2. Marking (PCB Container, storage for disposal area not
9 marked).

10
11
12 PROPOSED CIVIL PENALTY

13 Section 16 of the Act, 15 U.S.C. §2615, and the regulations
14 promulgated thereunder, 40 C.F.R. §761, et seq., authorize a civil penalty of
15 up to \$25,000.00 per day for each violation of the Act. Based on the facts
16 given in Section I above, the nature, circumstances, extent and gravity of
17 the above-cited violations, as well as the respondent's ability to pay,
18 effect on ability to do business, history of prior violations, and degree of
19 culpability, the following penalties are hereby proposed:

20
21

	<u>Regulation</u>	<u>Requirement</u>	<u>Penalty Amount</u>
22	1. 40 C.F.R. §761.30	Quarterly Inspections	\$3,000
23	2. 40 C.F.R. §761.40(a)	Marking	\$ 500
24	3. 40 C.F.R. §761.180(a)	Annual Reports	<u>\$1,000</u>
25		TOTAL	\$4,500

26 Payment of such penalty shall be by check made payable to the United
27 States Treasurer, remitted to the following:

28 COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING - 5

Environmental Protection Agency, Region 10
P.O. Box 360903M
Pittsburgh, Pennsylvania 45251

with a copy sent to:

Regional Hearing Clerk
Office of Regional Counsel
Environmental Protection Agency
1200 Sixth Avenue, M/S 613
Seattle, Washington 98101

III.

SETTLEMENT CONFERENCE

Whether or not you request a hearing, you may confer informally with EPA concerning: (1) whether the alleged violations in fact occurred as set forth in Section I above, or (2) the appropriateness of the proposed penalty in relation to the size of business, the gravity of the violation and the effect of the proposed penalty on your ability to continue in business.

Although such informal conference concerning possible settlement does not affect the requirement to file a timely answer, the informal conference procedure may be pursued as an alternative to the adjudicatory hearing procedure if you notify this office of your desire to confer informally and if you schedule such conference prior to the expiration of the 20-day period.

EPA encourages any party against whom a civil penalty is proposed to be assessed to pursue the possibilities of settlement as a result of informal conferences. Any such settlement reached as a result of such informal conference shall be completed by the issuance of a written consent agreement and final order by the Regional Administrator, EPA, Region 10. The issuance of such a consent agreement shall constitute a waiver of your right to request a hearing on any matter stipulated to therein.

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING - 6

If you have not scheduled an informal settlement conference or have not requested a hearing within the 20-day period allowed by this notice, the above penalty may be imposed without further proceedings and you will be so notified.

If you wish to explore the possibility of settlement in this matter, please contact D. Henry Elsen, Attorney, at EPA, Office of Regional Counsel, 1200 Sixth Avenue, M/S 613, Seattle, Washington 98101, or by telephone at number (206) 442-1169.

IV.

OPPORTUNITY TO REQUEST A HEARING

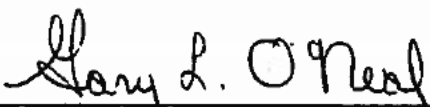
A copy of the Consolidated Rules of Practice governing the administrative assessment of penalties under Section 14 of TSCA accompanies this Complaint. As provided by these rules, you have the right to request a hearing to contest any material fact set forth in the Complaint, or the appropriateness of the proposed penalty, or to contend that you are entitled to judgment as a matter of law. In the event that you wish to request a hearing and to avoid being found in default and having the above penalty assessed without further proceedings, it is incumbent upon you to file a written answer to this Complaint with the Region 10 Hearing Clerk, Office of Regional Counsel, EPA, 1200 Sixth Avenue, M/S 613, Seattle, Washington 98101. This written answer must be filed within twenty (20) days of your receipt of this Complaint.

1 Your answer should clearly and directly admit, deny or explain
2 each of the factual allegations contained in the Complaint about which you
3 have any knowledge. Said answer should contain: (1) a definitive
4 statement of the facts which constitute the grounds of defense, and (2) a
5 concise statement of the facts you intend to place at issue in the hearing.

6 If you fail to file a written request for a hearing or a
7 written answer within 20 days of receipt of this Complaint, such failure
8 shall constitute an admission of all the facts alleged in the Complaint
9 and a waiver of your right to a hearing under TSCA [15 U.S.C. §2615(a)].
10 A final order upon default will thereafter be issued by the Regional
11 Administrator and filed with the Region 10 Hearing Clerk, and the civil
12 penalty proposed herein shall be imposed without further proceedings.

13 Any such hearing that you request will likely be held at the
14 Region 10 office of EPA. Hearings held in the assessment of these civil
15 penalties will be conducted in accordance with the provisions of the
16 Administrative Procedure Act (5 U.S.C. §552, et seq.) and the Consolidated
17 Rules of Practice Governing the Administrative Assessment of Civil
18 Penalties and the Revocation or Suspension of Permits (40 C.F.R. Part 22,
19 45 Fed. Reg. 24,363).

20 DATED this 17th day of May, 1985.

21
22 
23 GARY L. O'NEAL, Director
24 Air and Toxics Division

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: JAN 29 1985

SUBJECT: TSCA Referral for Administrative Civil Penalty: McGraw Edison Service,
National Electric Coil, Spokane, Washington

FROM: Anita J. Frankel, Chief
Pesticides and Toxic Substances Branch

TO: James Moore, Regional Counsel

THRU: Gary L. O'Neal, Director
Air and Toxics Division

Gary L. O'Neal

On August 3, 1984, an EPA inspection was performed by Michael R. Hoyles at McGraw Edison Service, National Electric Coil, Spokane, Washington. The inspection was carried out to determine compliance with the PCB Regulations adopted by EPA pursuant to the Toxic Substances Control Act (TSCA).

During the inspection, the following violations of the regulations were noted:

Regulation - Quarterly Inspections

40 CFR 761.30(a)(1) requires that owners of PCB Transformers in use or stored for reuse:

- a) visually inspect each PCB Transformer at least once every three months;
- b) record all leaks and conduct servicing within two business days from the date a moderate leak is observed; and
- c) maintain records of the inspections and servicing history.

The use of PCB Transformers and Capacitors, as outlined in 40 CFR Part 761, is allowed only if the persons using that equipment comply with these steps. A reduced visual inspection is required annually if containment equaling 100% of the liquid volume in the transformer is present.

Violation

There were no quarterly inspections performed of the three PCB Transformers during the quarter April-June 1984.

Regulation - Marking

40 CFR 761.40(a)(2) requires that all PCB Transformers be marked in accordance with 40 CFR 761.45 unless the equipment is too small to accommodate the 6 X 6 inch PCB label. All marks must be placed in a position on the exterior of the PCB Item so that they can be easily read by any person inspecting or servicing the marked PCB Item.

Violation

The three PCB Transformers at National Electric Coil were marked with three inch by three inch PCB labels but were not marked with the required six inch by six inch PCB label.

Regulation - Records & Monitoring

40 CFR 761.180(a) requires that facilities using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s) or one or more PCB Transformers or 50 or more PCB Large High or Low Voltage Capacitors develop and maintain records on the disposition of the PCBs and PCB Items beginning July 2, 1978. The records shall form the basis of an annual document prepared by July 1, covering the previous calendar year. The annual document shall include:

- 1)
 - a) The dates when PCBs and PCB Items are:
 - i) removed from service,
 - ii) placed into storage for disposal,
 - iii) placed into transport for disposal;
 - b) the quantities of PCBs and PCB Items removed from service including:
 - i) total weight in kilograms of PCBs contained in PCB Containers, with the identification of content in the containers,
 - ii) total number of PCB Transformers and total weight in kilograms of PCBs contained in the transformers,
 - iii) total number of PCB Large High or Low Voltage Capacitors;
 - c) the location of the initial disposal or storage facility for PCBs and PCB Items removed from service;
- 2) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year, including:
 - a) total weight in kilograms of any PCBs and PCB Items in PCB Containers, with the identification of content in the container,
 - b) total number of PCB Transformers and total weight in kilograms of PCBs in the transformers,
 - c) total number of PCB Large High or Low Voltage Capacitors.

Violation

There were no Annual Reports for 1978-1983 at National Electric Coil. At the time of the EPA inspection, there were three PCB Transformers in service at National Electric Coil. In addition to information regarding these transformers, the 1982 Annual Report should include information regarding the three PCB Items shipped to Chem Security Systems, Inc. on June 10, 1982.

3.

Compliance History

This is the second violative inspection performed at National Electric Coil in Spokane, Washington. The firm was first inspected on March 12, 1982. A "Notice of Warning" was issued on May 13, 1982, citing the following violations:

1. Records and Monitoring (there were no Annual Reports).
2. Marking (PCB Container, storage for disposal area not marked).

Request for Action

This assessment is being referred to you for consideration of enforcement action. An Administrative Civil Penalty appears to be in order because of the significance and repetition of violations. McGraw Edison Service, National Electric Coil was notified of the current violations at the time of the inspection and by certified letter dated JAN 29 1985. Attached is a Civil Penalty Assessment worksheet projecting the scheduled penalty for documented violations of TSCA.

 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY 

DATE: JAN 29 1985

SUBJECT: PCB Civil Penalty Assessment Compiled in Conjunction with Federal Register
Vol. 45, No. 177, September 10, 1980: McGraw Edison Service, National
Electric Coil, Spokane, Washington

FROM: Anita J. Frankel, Chief
Pesticides and Toxic Substances Branch

TO: James Moore, Regional Counsel

THRU: Gary L. O'Neal, Director
Air and Toxics Division

Gary L. O'Neal

I. Description of Current Alleged Violations

- A. Violation - Incomplete quarterly inspections (3 PCB Transformers - 20% reduction - unknown gallonage)
 Level - Two
 Extent - Minor
 Penalty - \$3,000

- B. Violation - Marking - other than required label - (3 PCB Transformers - 20 % reduction - unknown gallonage)
 Level - Five
 Extent - Minor
 Penalty - \$ 500

- C. Violation - No Annual Reports (at least 3 PCB Transformers - 20% reduction, unknown gallonage)
 Level - Four
 Extent - Minor
 Penalty - \$1,000

II. Initial Penalty Assessment

	<u>Regulation</u>	<u>Requirement</u>	<u>Penalty Amount</u>
1.	761.30	Quarterly Inspections	\$3,000
2.	761.40(a)	Marking	\$ 500
3.	761.180(a)	Annual Reports	\$1,000
		TOTAL	<u>\$4,500</u>

PS Form 3811, July 1983

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. ☒ Show to whom, date and address of delivery.
 2. ☒ Restricted Delivery.

3. Article Addressed to:

JON HOLM, PLANT MANAGER
 MCGRAW EDISON SERVICE
 NAT'L ELECTRIC COIL
 P.O. BOX 3505 T.A.
 SPOKANE, WA 99220

4. Type of Service:

- ☒ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail

Article Number

652623274

Always obtain signature of addressee or agent and
DATE DELIVERED.

5. Signature - Addressee

X *Betty M. Campbell*

6. Signature - Agent

X

7. Date of Delivery

1-31-85

8. Addressee's Address (ONLY if requested and fee paid)

DOMESTIC RETURN RECEIPT

P 652 623 274

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL

(See Reverse)

* U.S.G.P.O. 1983-403-517

PS Form 3800, Feb. 1982

Sent to	
JON HOLM	
Street and No.	
P.O., State and ZIP Code	
3505 T.A. WA 99220	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date	
1/29/85	

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF:

M/S 524

CERTIFIED MAIL

JAN 29 1985

Jon Holm, Plant Manager
McGraw Edison Service
National Electric Coil
P.O. Box 3505 T.A.
Spokane, Washington 99220

Dear Mr. Holm:

On August 3, 1984, an inspection of McGraw Edison Service, National Electric Coil located at Spokane, Washington, was performed by Michael R. Hoyles of the United States Environmental Protection Agency (EPA) pursuant to Section 11 of the Toxic Substances Control Act (TSCA). This inspection was conducted to determine whether activities at the facility were in compliance with EPA regulations governing polychlorinated biphenyls (PCBs): 40 CFR Part 761.

A review of the results of that inspection has just been completed. On the basis of this review, it appears that certain violations of EPA regulations exist at the facility. They are as follows:

Regulation - Quarterly Inspections

40 CFR 761.30(a)(1) requires that owners of PCB Transformers in use or stored for reuse:

- a) visually inspect each PCB Transformer at least once every three months;
- b) record all leaks and conduct servicing within two business days from the date a moderate leak is observed; and
- c) maintain records of the inspections and servicing history.

The use of PCB Transformers and Capacitors, as outlined in 40 CFR Part 761, is allowed only if the persons using that equipment comply with these steps. A reduced visual inspection is required annually if containment equaling 100% of the liquid volume in the transformer is present.

Violation

There were no quarterly inspections performed of the three PCB Transformers during the quarter April-June 1984.

Regulation - Marking

40 CFR 761.40(a)(2) requires that all PCB Transformers be marked in accordance with 40 CFR 761.45 unless the equipment is too small to accommodate the 6 X 6 inch PCB label. All marks must be placed in a position on the exterior of the PCB Item so that they can be easily read by any person inspecting or servicing the marked PCB Item.

Violation

The three PCB Transformers at your facility were marked with three inch by three inch PCB labels but were not marked with the required six inch by six inch PCB label.

Regulation - Records & Monitoring

40 CFR 761.180(a) requires that facilities using or storing at one time at least 45 kilograms (99.4 pounds) of PCBs contained in PCB Container(s) or one or more PCB Transformers or 50 or more PCB Large High or Low Voltage Capacitors develop and maintain records on the disposition of the PCBs and PCB Items beginning July 2, 1978. The records shall form the basis of an annual document prepared by July 1, covering the previous calendar year. The annual document shall include:

- 1) a) The dates when PCBs and PCB Items are:
 - i) removed from service,
 - ii) placed into storage for disposal,
 - iii) placed into transport for disposal;
- b) the quantities of PCBs and PCB Items removed from service including:
 - i) total weight in kilograms of PCBs contained in PCB Containers, with the identification of content in the containers,
 - ii) total number of PCB Transformers and total weight in kilograms of PCBs contained in the transformers,
 - iii) total number of PCB Large High or Low Voltage Capacitors;
- c) the location of the initial disposal or storage facility for PCBs and PCB Items removed from service;
- 2) Total quantities of PCBs and PCB Items remaining in service at the end of the calendar year, including:
 - a) total weight in kilograms of any PCBs and PCB Items in PCB Containers, with the identification of content in the container,
 - b) total number of PCB Transformers and total weight in kilograms of PCBs in the transformers,
 - c) total number of PCB Large High or Low Voltage Capacitors.

3.

Violation

There were no Annual Reports for 1978-1983 at your facility. At the time of the EPA inspection, there were three PCB Transformers in service at your facility. In addition to information regarding these transformers, the 1982 Annual Report should include information regarding the three PCB Items shipped to Chem Security Systems, Inc. on June 10, 1982.

The Agency believes that these conditions constitute a threat to human health and the environment. For this reason, it is recommended that you immediately take the following steps:

1. Conduct the required quarterly inspections of PCB Transformers and maintain records of such inspections.
2. Label all PCB Transformers with the required six inch by six inch PCB label.
3. Develop the required Annual Reports. Reports for past years should be reconstructed from documentation on hand. These records should be a summary of all of the activity involving PCBs and PCB Items at National Electric Coil.

This is the second violative inspection that has been performed at your facility. National Electric Coil was inspected for compliance with the PCB Regulations on March 12, 1982, with violations noted in Recordkeeping and Marking. You should be advised that TSCA authorizes penalties of up to \$25,000 per day for each violation. Criminal penalties are authorized for knowing and willful violations of the law. Correcting the conditions noted in this letter may protect you from liability for future violations. However, it will not protect you from Agency enforcement action for those violations that have already occurred. Nothing in this letter should be construed to waive or limit any remedy available to the United States by virtue of conditions at your facility or the acts or omissions of your company. We are referring this case to EPA Region 10's Office of Regional Counsel for possible enforcement action. In this regard, you will be receiving further correspondence from this Agency in the near future.

Please understand that the aforementioned steps are being recommended to avoid risk to health and the environment. Your company bears the ultimate responsibility for taking all steps necessary to comply with the law. If you wish to discuss this letter or the PCB Regulations, please contact William Hedgebeth, EPA Region 10, 1200 6th Avenue, M/S 524, Seattle, Washington 98101; telephone (206) 442-8282..

Sincerely,



Anita J. Frankel, Chief
Pesticides and Toxic Substances Branch
Air and Toxics Division

VIOLATION ASSESSMENT

William M. Hedgebeth/EPS

(Name & title of Evaluator)

TSCA	X
FIFRA	

McGraw Edison Service
National Electric Coil
P.O. Box 3505
North 415 Fancher Road
Spokane, Washington 99220

August 3, 1984

Date of Inspection

ACTION TAKEN

	No Action Indicated
	Notice Noncompliance
X	Refer for Ad. Civil Penalty
	Refer for Criminal Penalty
	Refer to State

Michael R. Hoyles

Name of Inspector

Comments:

Previous Compliance Activity:

- 3-12-82 - Inspected - EPA/TSCA/PCB
- 5-13-82 - Notice of Warning Issued: violations were -
 - 1. Records (No Annual Reports)
 - 2. Marking (PCB Containers, s.f.d. area)

Current Inspection:

- 6-15-82 - Follow-up letter did not specifically respond to Notice of Noncompliance
- Violation: No Annual Reports for 1978-83. (1983 AR was constructable f/ ancillary documents but had not been prepared)
- Violation: Quarterly Inspection of 3 PCB Trans. not performed in April-June 1984 quarter
- Violation: 3 PCB Trans. marked w/ 3" X 3" PCB label, not M_L

Recommend referral to ORC for administrative action due to repetition of violations and their significance.

Concur

FATES INSPECTION #

CASE #

Do not Concur

DATE ENTERED

DATE ENTERED



US ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460
TOXIC SUBSTANCES CONTROL ACT
INVESTIGATION SUMMARY

11. Facility Name

McGraw Edison Service
National Electric Coil

1. INVESTIGATION IDENTIFICATION

2. Region/State

Date 8/3/84 Inspector Number 3122 Daily Sequence 1

10

3. Inspecting Org. C ☐ E ☒ S ☐ 4. Contract Number 5. Contract Work Order

6. Facility Function US 7. Invest. Type GPC 8. Reason for Investigation FCV

12. Street P.O. Box 3505
North 415 Fancher Rd. 13. City SPOKANE 14. State WA 15. ZIP Code 99220

9. Referral Agency 10. Warrant Required Yes ☐ No ☐

16. DUNS Number 06 402 9168 17. SIC Codes

SAMPLE INFORMATION

18. Sample Sequence Number 19. State Sample Number Dummy Sample

20. CAS Number 21. Project Code 20. CAS Number 21. Project Code

22. Sample Medium 23. Date Collected 22. Sample Medium 23. Date Collected

24. Lot or Other Codes 25. Date Shipped 24. Lot or Other Codes 25. Date Shipped

26. Sample Identification 26. Sample Identification

27. Amount Before Sampling 27. Amount Before Sampling

28. Sample Description 28. Sample Description

OTHER FACILITIES

29. Manufacturer/Processor (Other than above) 29. Manufacturer/Processor (Other than above)

30. City 31. State 32. ZIP Code 30. City 31. State 32. ZIP Code

33. DUNS Number 33. DUNS Number

RECORDS

34. Original Records 34. Original Records

35. Sample Delivered To 36. Date 35. Sample Delivered To 36. Date

37. Remarks 37. Remarks

INSPECTION DOCUMENTS

38. Credentials Presented ☒ 39. Notice of Inspection ☒ 40. Notice of Confidentiality ☒ 41. Chain of Custody ☐ 42. Receipt for Samples/Documents ☐ 43. Declaration of Confidentiality ☐

44. Inspector's Name Michael R. Holmes

45. Inspector's Signature [Signature] OCT 18 1984

Mcgraw Edison Service
National Electric Coil
P.O. Box 3505
North 415 Fancher Road
Spokane, Washington 99220

August 3, 1984

Michael R. Hoyles
Environmental Protection Specialist

Compliance History:

- ✓ On March 12, 1982 an EPA inspection found no documentation of PCB contaminated waste oil located at the facility. Also neither the barrel containing this liquid nor the location of the barrel was properly labeled. Further, no
- ✓ annual reports were being maintained on PCB items. A "Notice of Warning" was sent by certified mail on May 13, 1982 outlining these deficiencies.

Pre-Inspection Conference:

I arrived at 10:30 a.m. and asked to see the individual responsible for PCB's. I was told that he, Jon Holm, was sick. I indicated I needed to see the records anyway and was directed to Shirley Dubuque in Purchasing. I presented my credentials and filled out a "Notice of Inspection" and gave her the front page. I also filled out, had her sign, and gave her the first page of the "TSCA Inspection Confidentiality Notice." I explained the purpose of my visit and asked to see her PCB records. She had correspondence files for 1982 and 1983. She also had some documents for 1984.

Record Review:

- * The only annual report as such is the "PCB Transformer Inspection Record" for each of the three PCB transformers in service. No identification such as brand name, serial number, voltage, or capacity were on the records. There are, however, National Electric Coil inventory numbers. The PCB concentration is recorded but no concentration of kilograms PCB is present.

- * All three units have been, according to the record, inspected each quarter, from the second quarter of 1981 to and including the first quarter in 1984 (March). None of the units have been inspected since March 1984. The month, day and year are indicated for inspections, except March 1984 when no day was recorded. Shirley indicated she has had a lot of medical problems and has missed a lot of work. She has reminders on her calendar for these inspections. Since she was not there, the inspector was not alerted to do it last quarter.

Three PCB items were shipped to Chem-Security Systems, Incorporated on 6/10/82, consisting of two 55 gallon drums (total of 92 gallons of fluid) and a transformer casing. This includes the 134 ppm PCB's referenced in the "Notice of Warning". No reference other than the shipping manifest is in their files.

In 1983 a total of 11 items were sampled and the samples were sent to the company's lab in Franksville, Wisconsin for analysis. The results (received August 17, 1983) showed all the three units had less than 3 ppm, with 5 units less than 1 ppm. The three PCB items are the transformers still in service. According to the results these are 2300 V MTC transformers.

On January 30, 1984 a 55-gallon drum was shipped to Chem-Security Systems, Inc., containing 13 gallons of PCB from a transformer "discovered" on the company's property. The shipping manifest and disposal request are attached. Other records indicate this liquid had 80 ppm PCB. I asked about the casing and was told after the liquid had been drained it was steam cleaned and is now being used as a temporary storage vessel for non PCB oil. I asked how it was cleaned and Shirley thought a solvent was used to rinse prior to steam-cleaning and spent solvents went with the liquids to Arlington, Oregon.

Shirley brought to my attention a drastic difference in EPA sample testing results and that from a private testing facility. In the last inspection by EPA (Michael Watson - March 12, 1981) a PCB sample was taken and found to contain 134 ppm PCB by the EPA laboratories. The company also had the liquid tested and found it to be less than 3 ppm!! The lab results are attached. Shirley said that when the sample was taken by Michael Watson, no trichlorobenzene smell was evident to the owner, hence, he ordered his own testing. I was unable to determine if a split sample was used or not.

Inspection of Facility:

I asked to see the transformers and other PCB items on the property. The three PCB transformers are located on a wall about 15 feet above the floor. The PCB labels could be seen from the ground. I asked that a ladder be provided and climbed up to the units. No leaking was apparent. The PCB labels are not six inches on the side but three inches long and wide. Also, the manufacturer's identification plates are not on the units. I asked about that and Shirley said they have "always" been missing. They didn't know they were PCB's until they were tested in 1983.

The units are sitting on girders, one of which is located under the drain valves of the units. No liquid or discoloration was evident on this girder. If there was a small drip from the valve it would land on the girder rather than fall to the floor below. Leaks from other locations on the transformers could drip directly to the floor below. I took two pictures that depict the three transformers.

Sample collection:

There were no samples taken during this inspection.

Closing Discussion:

I told Shirley they needed an annual report that gave the number of PCB items, the kilograms PCB, and references to the PCB's shipped off. I reviewed with her a "Notice of Warning" from EPA dated May 13, 1982, which delineated these requirements. I told her that if any of the three PCB units started to leak she should take the proper action. I left it to her to learn what that was.



United States
Environmental Protection
Agency

Region 10
1200 Sixth Avenue
Seattle WA 98101

Toxic Substances Control Act: Notice of Inspection

Name & Address of Firm:

Date of Inspection:

Hour:

Reason for Inspection:

- ☒ For the purpose of inspecting (including taking samples, photographs and other inspection activities) premises in which chemical substances or mixtures or articles containing same are manufactured, processed, or stored, or held before or after their distribution in commerce (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of the Act applicable to the chemical substances, mixtures or articles within or associated with such premises have been complied with.
- ☐ For the purpose of inspecting (including taking samples, photographs and other inspection activities) conveyances used to transport chemical substances, mixtures, or articles containing same in connection with their distribution in commerce (including records, files, papers, processes, controls and facilities) bearing on whether the requirements of the Act applicable to the chemical substances, mixtures or articles within or associated with the conveyances have been complied with.
- ☐ In addition, this inspection extends to (circle appropriate letters):
- A) Financial Data
 - B) Sales Data
 - C) Pricing Data
 - D) Personnel Data
 - E) Research Data

The nature and extent of the data to be inspected as specified in A through E above is as follows:

Name of Person to Whom Notice
of Inspection Was Delivered:

Title

Signature of EPA Inspector

Title & Date



United States
Environmental Protection
Agency

Region 10
1200 Sixth Avenue
Seattle WA 98101

TSCA Inspection Confidentiality Notice

Facility Name & Address MCGRAW HILL NATIONAL ELECTRONIC CORP PO BOX 3505 MUNICH, WASH 98220	This Notice Given To Name: SHIRLEY Dubugue Title: PURCHASING
Name and Address of Chief Officer of Business: JON HOLM PO BOX 3505 SPokane, WA 99220	Date This Notice Mailed To Chief Officer of Business:
Inspection Date: AUGUST 3, 1984	Name of Inspector: MICHAEL R HOYLES

It is possible that EPA will receive public requests for release of data and/or documents obtained by inspectors during inspection of the facility indicated above. Such requests will be handled by EPA in accordance with provisions of the Freedom of Information Act (FOIA), 5 U.S.C. 522, EPA regulations issued thereunder, 40 CFR Part 2, and the Toxic Substances Control Act Section 14. EPA is required to make documents available in response to FOIA requests unless the Administrator of the agency determines that the data or documents are exempt from disclosure.

Please provide us with a statement specifying any information obtained during our inspection you believe should be exempt from disclosure. This will facilitate the Agency's timely response to any public inquiries, and evaluation of your company's claim of confidentiality.

Your statement should be addressed to: **Document Control Officer, Pesticides & Toxic Substances Branch, M/S 524, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101**, and should reach this address no later than 7 days after your receipt of this notice. Failure to submit a written request that specified information be characterized as confidential, privileged, or exempt from disclosure within 7 days will be treated by EPA as a waiver of your claims for confidentiality regarding the inspection data. Any non-exempt data may be made available to the public without further notice to you.

8/3/84
Date Received by Facility

Signature of Plant Representative

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 1

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 58,100 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
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June 30, 1981

L. Martin NO

Sept. 31, 1981

L. Martin NO

Dec. 31, 1981

L. Martin NO

March 31, 1982

L. Martin NO

June 30, 1982

L. Martin NO

Sept. 30, 1982

L. Martin NO

Dec. 31, 1982

L. Martin NO

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
2. All other PCB transformers must be inspected for leaks at least once every three months.
3. Any "moderate leak" discovered by the inspection must be repaired and cleaned or the transformer replaced beginning within 2 days from the time the leak is observed. Moderate leaks from transformers posing an exposure risk to food or feed products must be reported to the EPA within 5 days from the date the leak is observed.
4. Records must be kept of the following:
 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 1

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 58,100 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June	198			
------	-----	--	--	--

Sept.	198			
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Dec.	198			
------	-----	--	--	--

March 30, 1983	<i>L Martin</i>	<i>NO</i>		
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June 30, 1983	<i>L Martin</i>	<i>NO</i>		
---------------	-----------------	-----------	--	--

Sept. 30, 1983	<i>L Martin</i>	<i>NO</i>		
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Dec. 30, 1983	<i>L Martin</i>	<i>NO</i>		
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INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
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 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock #

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration _____ P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
June	198			
Sept.	198			
Dec.	198			
March	1984	LM	NO	
June	1984			
Sept.	1984			
Dec.	1984			

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
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3. Any "moderate leak" discovered by the inspection must be repaired and cleaned or the transformer replaced beginning within 2 days from the time the leak is observed. Moderate leaks from transformers posing an exposure risk to food or feed products must be reported to the EPA within 5 days from the date the leak is observed.
4. Records must be kept of the following:
 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock #, UNIT # 2

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 46,900 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	--------------	---------------	--

June 30,	1981	L Martin	NO	
----------	------	----------	----	--

Sept. 31,	1981	L Martin	NO	
-----------	------	----------	----	--

Dec. 31,	1981	L Martin	NO	
----------	------	----------	----	--

March 31,	1982	L Martin	NO	
-----------	------	----------	----	--

June 30,	1982	L Martin	NO	
----------	------	----------	----	--

Sept. 30,	1982	L Martin	NO	
-----------	------	----------	----	--

Dec. 31,	1982	L Martin	NO	
----------	------	----------	----	--

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
2. All other PCB transformers must be inspected for leaks at least once every three months.
3. Any "moderate leak" discovered by the inspection must be repaired and cleaned or the transformer replaced beginning within 2 days from the time the leak is observed. Moderate leaks from transformers posing an exposure risk to food or feed products must be reported to the EPA within 5 days from the date the leak is observed.
4. Records must be kept of the following:
 - (A) The location of each transformer subject to the program.
 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 2

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 46,900 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June 198

Sept. 198

Dec. ---- 198

March 30, 1983 L Martin NO

June 30, 1983 L Martin NO

Sept. 30, 1983 L Martin NO

Dec. 30, 1983 L Martin NO

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
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 - (B) The date of each inspection and the name of the inspector.
 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock #

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration _____ P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
June	198			
Sept.	198			
Dec.	198			
March	1984	LM	NO	
June	1984			
Sept.	1984			
Dec.	1984			

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
2. All other PCB transformers must be inspected for leaks at least once every three months.
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 - (C) All leaks observed.
 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 3

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 90,100 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June 30,	1981	L. Martin	NO	
----------	------	-----------	----	--

Sept. 31,	1981	L. Martin	NO	
-----------	------	-----------	----	--

Dec. 31,	1981	L. Martin	NO	
----------	------	-----------	----	--

March 31,	1982	L. Martin	NO	
-----------	------	-----------	----	--

June 30,	1982	L. Martin	NO	
----------	------	-----------	----	--

Sept. 30,	1982	L. Martin	NO	
-----------	------	-----------	----	--

Dec. 31,	1982	L. Martin	NO	
----------	------	-----------	----	--

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
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 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock # UNIT # 3

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration 90,100 P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	--------------	---------------	--

June 198

Sept. 198

Dec. 198

March 30, 1983

L. Martin NO

June 30, 1983

L. Martin NO

Sept. 30, 1983

L. Martin NO

Dec. 30, 1983

L. Martin NO

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
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These records must be kept for a period of 3 years after disposing of transformer.

P.C.B. TRANSFORMER INSPECTION RECORD

Owner/User:

Stock #

Address:

Serial #

Transformer Location:

Make

Date entered Plant or Storage:

Voltage

Oil Capacity

P.C.B. Concentration _____ P.P.M.

Month	Year	Inspected By	Observe Leaks	If yes, state size and service performed
-------	------	-----------------	------------------	---

June 198

Sept. 198

Dec. 198

March 198 ✓

LM

NO

June 198 ✓

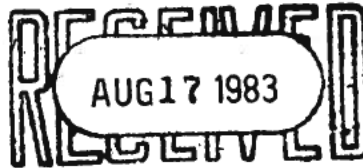
Sept. 198 ✓

Dec. 198 ✓

INSPECTION PROCEDURE

1. PCB Transformers (those that contain 500 PPM PCB'S or greater) and PCB-contaminated transformers (those that contain between 50 PPM and 500 PPM PCB'S) posing an exposure risk to food and feed products must be inspected for leaks once every week.
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 - (D) A description of all servicing on the transformer after the date of the first inspection.

These records must be kept for a period of 3 years after disposing of transformer.



National Electric Coil
P.O. Box 3505 T.A.
N. 415 Fancher Road
Spokane, WA 99220
Att'n: John Holm

Thomas A. Edison Technical Center
McGraw-Edison Company
11131 Adams Road
Post Office Box 100
Franksville, WI 53126

414 835 2921

August 10, 1983

REFERENCE: PCB in Oil Analysis
ML 7-83-52

<u>Sample</u>	<u>1242 ppm</u>	<u>1254 ppm</u>	<u>1260 ppm</u>	<u>Total ppm</u>
#1: 1,2300 V MTC	--	--	58,100	58,100 (5.81%)
#2: 75VK022003	--	--	Less Than 3	Less Than 3
#3: 2300 V MTC	--	--	46,900	46,900 (4.69%)
#4: Job #16578	--	--	Less Than 3	Less Than 3
#5: 3-3756-01936-29	--	--	--	--
#6: 80 VH016009	--	--	--	--
#7: 7309-601-3248	--	--	--	--
#8: 2300 V MTC	--	--	90,100	90,100 (9.01%)
#9: Serial #6177	--	--	Less Than 3	Less Than 3
#10: 76VJ002001	--	--	--	--
#11: Oil Filter; 8/1/83	--	--	--	--

- denotes less than the detection limit of 1 ppm.

* Results phoned to Shirley Dubuque on August 8, 1983
as requested.

Analysts: G. C. Smith/R. A. Harthun

Approved By: R. M. Frey

cc: G. Gauger

bc/216M



CHEMICAL TRANSPORTATION MANIFEST
DESIGNATED TSD FACILITY
CHEM-SECURITY SYSTEMS, INC.
STAR ROUTE, ARLINGTON, OR. 97812
EPA ID NO. ORD. 08-945-2353

ARLINGTON (503) 454-2777
BELLEVUE (206) 827-0711

PORTLAND (503) 223-1912
VANCOUVER, B.C. (604) 669-2204

60968

1

GENERATOR MC GRAW-EDISON SERVICE National Electric Coil

EPA ID. NO. (b) (6)

ORIGIN ADDRESS N. 415 Fancher Road SPOKANE, WA 99206

PHONE 509-535-8751

BILLING ADDRESS P.O. BOX 3505 TA SPOKANE, WA 99220

PHONE

DOT REQUIRED INFORMATION						DEQ/EPA REQUIRED INFORMATION				
CONTAINER		HM	DOT PROPER SHIPPING NAME	HAZARD CLASS	HAZ. MAT ID NO.	WASTE DESCRIPTION	PHYSICAL STATE	EPA HAZ. WASTE NO.	GAL./LB.	FT ³
QTY.	TYPE									
1	55 gal. drum	X RQ	Polychlorinated Biphenyl	ORM E	UN2315	1-55 gal size drum containing gallons of Polychlorinated Biphenol contaminated liquid (greater than 50 ppm and less than 500 ppm) 10360360012421000 Aroclor 1242-Aroclor 1260	liquid	none	13	7.5

LABELING REQUIREMENTS PCB ML, ORM-E

PLACARDING REQUIREMENTS PCB ML

SPECIAL INSTRUCTIONS (HANDLING/EMERGENCY) IF SPILLED, PREVENT FROM ENTERING WATERWAY, AVOID SKIN CONTACT.

IN THE EVENT OF A SPILL, CONTACT EITHER OF THE CHEM-SECURITY SYSTEMS OFFICES AND/OR CONTACT, IN THE UNITED STATES, THE NATIONAL RESPONSE CENTER, U.S. COAST GUARD (800) 424-8802, OR CONTACT, IN CANADA, TRANSPORT CANADA (613) 996-6666 FOR EMERGENCY ASSISTANCE.

Title to all materials furnished for disposal herein shall be deemed to be vested in Chem-Security Systems, Inc., immediately upon acceptance of such materials by Chem-Security Systems, Inc., from the generator or transporter. The generator shall have no right to recovery nor any credit for the potential value of any substances contained in such materials furnished for disposal, except as separately agreed in writing by Chem-Security Systems, Inc. Disposal operations by Chem-Security Systems, Inc., will be in accordance with

procedures approved by the Oregon Department of Environmental Quality and the United States Environmental Protection Agency. This is to certify that the above named materials are properly classified, described, packaged, marked, labeled and are in proper condition for transportation according to the applicable regulations of the U.S. Department of Transportation and the U.S. Environmental Protection Agency. Signed and dated by the authorized agent of the generator.

SIGNER NAME (PLEASE PRINT) Jon Holm

SHIPPING DATE 1/30/84

ALTERNATE DESIGNATED T/S/D FACILITY (IF ANY)

GENERATOR SIGNATURE

ADDRESS

EPA ID. NO.

2

TRANSPORTER NO. 1 Great West Chemical

EPA ID. NO. WAD 05605383

ADDRESS 11402 Commercial Spokane WA

PHONE 928-0195

TRANSPORTER SIGNATURE

DATE 1-30-84

TRANSPORTER NO. 2

EPA ID. NO.

ADDRESS

PHONE

TRANSPORTER SIGNATURE

DATE

TRANSPORTER NO. 3

EPA ID. NO.

ADDRESS

PHONE

TRANSPORTER SIGNATURE

DATE

INTERMEDIATE FACILITY

EPA ID. NO.

ADDRESS

PHONE

SIGNATURE

DATE

4 CSSI USE ONLY

CSSI REQ. NO. BILL OF LADING NO. WEIGHT TICKET NO. GROSS

DISPOSAL AREA SECTION QUAD DEPTH TARE

REC. BY CSSI DATE NET

COMMENTS



Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5690

January 18, 1984

JAN 23 1984

- Mr. J. Craig McKenzie, General Manager
Chem-Security Systems, Inc.
Star Route
Arlington, OR 97812

Re: HW File 4.10 M

Dear Mr. McKenzie:

We have reviewed Disposal Request No. D44988, submitted with your January 5, 1984 letter.

WASTE SOURCE

McGraw Edison Service/National Electric Coil
PO Box 3505TA
Spokane, WA 99220

MATERIAL(S) REQUESTED FOR DISPOSAL

<u>Description</u>	<u>Hazard Type</u>	<u>Process/Operation Generating Waste</u>	<u>Quantity For Disposal</u>	
			<u>Now</u>	<u>Annual</u>
PCB-contaminated transformer fluid	Toxic (T ₁)	Removal from service	1 drum	0

MATERIAL(S) AUTHORIZED FOR DISPOSAL

Same as above

METHOD OF DISPOSAL

Stabilize, then dispose of stabilized waste in Trench 9 by Procedure 3.

Sincerely,

Eduardo G. Chiong
Eduardo G. Chiong
Environmental Engineer
Hazardous Waste Operations
Solid Waste Division

EGC:c

ZC1378

Enclosure

cc: Alex H. Koch, CSSI, Bellevue, WA

Jon C. Holm, McGraw Edison Service/National Electric Coil ✓



DESIGNATED TSD FACILITY
CHEM-SECURITY SYSTEMS, INC.
STAR ROUTE, ARLINGTON, OR. 97812
EPA ID NO. ORD. 08-945-2353

ARLINGTON (503) 454-2777
BELLEVUE (206) 827-0711

PORTLAND (503) 223-1912
VANCOUVER, B.C. (604) 688-7612

42614

1

GENERATOR

NATIONAL OILCO

ORIGIN ADDRESS

N 415 Fancher Rd / Spokane, Wa. 99206

BILLING ADDRESS

PO Box 3505 TA / Spokane, Wa 99220

EPA ID. NO.

NOT APPLICABLE

PHONE

1509-535-875

PHONE

DOT REQUIRED INFORMATION

CONTAINER		HM	DOT PROPER SHIPPING NAME	HAZARD CLASS	HAZ. MAT ID NO.
QTY.	TYPE				
1	55 gal dr	✓	Polychlorinated Biphenols (PCB)	ORM E	UN2311
1	55 gal dr	✓	HAZARDOUS WASTE, liquid waste	ORM E	NA9187
1	TRANSFERRER	✓	HAZARDOUS WASTE, liquid waste	ORM E	1P281

DEQ/EPA REQUIRED INFORMATION

WASTE DESCRIPTION	PHYSICAL STATE	EPA HAZ. WASTE NO.	GAL./LB.	FT ³
Polychlorinated Biphenols (PCB) 1254 Aroclor	liquid	Not Applicable	37 gal	7.5
LESS THAN 1 ppm PCB, TOXIC 1254 Aroclor	liquid	Not Applicable	57 gal	7.5
LESS THAN 1 ppm PCB, TOXIC 1254 Aroclor	Solid liquid	not applicable	—	—

LABELING REQUIREMENTS

PCB / HAZARDOUS WASTE

PLACARDING REQUIREMENTS

SPECIAL INSTRUCTIONS (HANDLING/EMERGENCY)

IN THE EVENT OF A SPILL, CONTACT EITHER OF THE CHEM-SECURITY SYSTEMS OFFICES AND/OR CONTACT, IN THE UNITED STATES, THE NATIONAL RESPONSE CENTER, U.S. COAST GUARD (800) 424-8802, OR CONTACT, IN CANADA, TRANSPORT CANADA (613) 996-6666 FOR EMERGENCY ASSISTANCE.

Title to all materials furnished for disposal herein shall be deemed to be vested in Chem-Security Systems, Inc., immediately upon acceptance of such materials by Chem-Security Systems, Inc., from the generator or transporter. The generator shall have no right to recovery nor any credit for the potential value of any substances contained in such materials furnished for disposal, except as separately agreed in writing by Chem-Security Systems, Inc. Disposal operations by Chem-Security Systems, Inc., will be in accordance with

procedures approved by the Oregon Department of Environmental Quality and the United States Environmental Protection Agency. This is to certify that the above named materials are properly classified, described, packaged, marked, labeled and are in proper condition for transportation according to the applicable regulations of the U.S. Department of Transportation and the U.S. Environmental Protection Agency. Signed and dated by the authorized agent of the generator.

SIGNER NAME (PLEASE PRINT)

Bill Lewis

SHIPPING DATE 6/10/82

GENERATOR SIGNATURE

Bill Lewis

ALTERNATE DESIGNATED T/S/D FACILITY (IF ANY)

ADDRESS

EPA ID. NO.

2

TRANSPORTER NO. 1

Great Western Chemical

EPA ID. NO. WAD 05605362

ADDRESS

N 402 Thimble Rd.

PHONE 928-0195

TRANSPORTER SIGNATURE

Janice

DATE 6-10-82

TRANSPORTER NO. 2

EPA ID. NO.

ADDRESS

PHONE

TRANSPORTER SIGNATURE

DATE

TRANSPORTER NO. 3

EPA ID. NO.

ADDRESS

PHONE

TRANSPORTER SIGNATURE

DATE

T/S/D RETURNS TO GENERATOR

3

INTERMEDIATE FACILITY

EPA ID. NO.

ADDRESS

PHONE

SIGNATURE

DATE

4 CSSI USE ONLY

CSSI

REQ. NO. BILL OF LADING NO.

WEIGHT TICKET NO. GROSS

DISPOSAL AREA SECTION

QUAD DEPTH TARE

REC. BY CSSI

DATE NET

COMMENTS

Purchase Order

Service Group

PURCHASE ORDER NO.

McGraw-Edison Company
National Electric Coil
North 415 Fancher Road
P.O. Box 3505 T.A.
Spokane, Washington 99220
(509) 535-8751

011 - 7372

THE ABOVE NUMBER MUST APPEAR ON ALL CORRESPONDENCE, INVOICES, BILL OF LADINGS, ETC.

To: **MC GRAW EDISON
POWER SYSTEMS GROUP
FRANKSVILLE, WI**

Tax Certif. No. 409-019-844

Ship To: (Same as above unless noted below)

ORDER DATE	DATE REQUIRED	TERMS	TAX STATUS		F.O.B.		FREIGHT TERMS			SHIP VIA
			TAXABLE	NON-TAX	DESTN.	SP.	PREPAID & ADD ON	COLLECT	DELIVERED	
7/23/82	7/23/82		X	BE						

VENDOR CODE	REQUISITION NUMBER	MARKINGS	DIRECT INQUIRIES TO	CONFIRMING
			Gary /Shirley	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

ITEM	QUANTITY	UNIT	DESCRIPTION	PRICE	EXT. PRICE	CODE
1.	1	ea.	oil sample to be tested for PCB content	40.00		ea. 11-20-81

ACKNOWLEDGMENT

COMPLETE THIS ACKNOWLEDGMENT COPY AND RETURN

WILL SHIP ☐ COMPLETE ☐ PARTIAL ON (DATE) 7/23/82 BALANCE, IF ANY, WILL BE SHIPPED (DATE) 7/23/82

IA _____

FROM 100/5871 F.O.B. _____ TERMS _____

CONTACT (NAME) _____ FOR ADDITIONAL INFORMATION PHONE AREA _____ NO. _____ ADDRESS _____

REMARKS Oil sample SIGNED _____ DATE _____

McGraw-Edison

Power Systems Group
 McGraw-Edison Company
 General Offices: Post Office Box 2850, Pittsburgh, PA 15230

S.O. NON
 DATE 6/22/82

SEE FURTHER TERMS AND
 CONDITIONS ON REVERSE SIDE

DEBIT

MEMO NO. MWD-07552
 MEMO DATE 07/14/82

THIS ADJUSTMENT APPLIES TO

INVOICE NO. NONE
 INVOICE DATE
 DATE SHIPPED

PLEASE MAKE CHECK PAYABLE TO:
 MCGRAW-EDISON COMPANY
 POWER SYSTEMS GROUP
 AND REMIT TO:

P O BOX 44147
 SAN FRANCISCO CA 94144

SOLD TO D 5000BC
 NATIONAL ELECTRIC COIL
 ATTN MS SHIRLEY DUBUQUE
 P O BOX 3505 TA
 SPOKANE WA 99220

SHIP TO 46156
 NATIONAL ELECTRIC COIL
 ATTN MS SHIRLEY DUBUQUE
 P O BOX 3505 TA
 SPOKANE WA 99220

FIELD COPIES

R FREY D MCSTRACK G GAUGER B CIZNOWSKI
 C BLAKELY

CUSTOMER ORDER	CUST. ORD. DATE	REQUISITION	MARK PACKAGES	FOB CODE	VIA CODE	PPD/COL.
QUOTATION NO.	INVOICE COPIES 3	BRANCH NAME FRANKSVILLE	BRANCH NO.			
CATALOG NO.	DESCRIPTION	QTY. ORDERED	UNSHIPPED BAL.	QTY. SHIPPED	UNIT PRICE*	AMOUNT

ONE UNKNOWN OIL SAMPLE FOR PCB ANALYSIS
 REPORT (ML 7-82-79) SENT TO SHIRLEY DUBUQUE

1 SAMPLE @ \$40.00/SAMPLE = \$ 40.00

Copy

RECEIVED
 JUL 19 1982

NET DEBIT \$40.00

1=SHIP POINT CTA
 2=SHIPPING POINT
 3=OTHER
 4=ORD. & MAR. CHG.

1=MOTOR FRT.
 2=U.P.S.
 3=PAR. POST
 4=OUR TRUCK

5=YOUR TRUCK
 6=RAIL
 7=OTHER

TERMS:
 NET 30 DAYS

*UNLESS OTHERWISE INDICATED PRICE IS PER EACH

cc: G. A. Gauger

/ac/587I

cc: Bill Lewis

RECEIVED
JUN 24 1982

National Electric Coil
P. O. Box 3505 TA
Spokane, Washington 99220
Attn: Ms. Shirley Dubuque

Thomas A. Edison Technical Center
McGraw-Edison Company
11131 Adams Road
Post Office Box 100
Franksville, WI 53126

414 835 2921

June 17, 1982

Re: PCB in Oil Analysis
ML 7-82-79

<u>Sample</u>	1242 <u>ppm</u>	1254 <u>ppm</u>	1260 <u>ppm</u>	Total <u>ppm</u>
"Unknown Oil"	less than 3	-	-	less than 3

- denotes less than the detection limit of 1 ppm

G. C. Smith
Analysts, G. C. Smith/R. A. Harthun

R. M. Frey
Approved by: R. M. Frey

cc: G. A. Gauger

/ac/587I

CC: Bill Lewis



REGIONAL ACTION A
REGION
WASHINGTON

00

at 2:30 PM for Office
July 1, 1984

101

re: [illegible] [illegible]

101
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

the [illegible] [illegible] [illegible]
passed up to \$25,000 per [illegible]
[illegible] [illegible] [illegible] [illegible]
a [illegible] entity could [illegible] subject
action 101. This reminder is being
[illegible] which [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]

17

AUG 84PI



NATIONAL ELECTRIC
COIL 8-3-84

18

AUG 84PI



NATIONAL ELECTRIC COIL
8-3-84

PS Form 3811, Dec. 1980

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space
on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).

- ☒ Show to whom and date delivered —c
☐ Show to whom, date, and address of delivery... —c

2. ☐ **RESTRICTED DELIVERY**
 (The restricted delivery fee is charged in addition to
 the return receipt fee.) —c

TOTAL \$

3. **ARTICLE ADDRESSED TO:**
 National Electric Coil
 Spokane Service Center
 415 N Fancher Rd., Spokane, WA 99220

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☒ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER

P363187928

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

B Campbell

5. **DATE OF DELIVERY**

7-6-83

6. **ADDRESSEE'S ADDRESS** (Only if requested)

7. **UNABLE TO DELIVER BECAUSE:**

Heelgebut

7a. **EMPLOYEE'S INITIALS**



P 363 187 928

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED—
 NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to <i>National Elec Coil</i>	
Street and No. <i>Spokane Service Center</i>	
P.O. State and ZIP Code <i>415 N. Fancher Rd., Spokane, WA 99220</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return Receipt Showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	\$
Postmark or Date <i>6-30-83</i>	

PS Form 3800, Feb. 1982

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF:

M/S 524

JUN 29 1983

Certified Mail

Re: Annual PCB Reports for Calendar
1982
Due Date: July 1, 1983

Bill N. Lewis, Plant Manager
National Electric Coil
Spokane Service Center
415 N. Fancher road
Spokane, Washington 99220

Dear Mr. Lewis:

By means of this letter, EPA Region 10 is reminding Region 10 facilities which we believe may have handled PCB items during the calendar year 1982, that 40 CFR section 761.180 requires that the annual report for that site be available there beginning July 1, 1983. Our inspectors will begin inspecting facilities for compliance with this annual report requirement by visits beginning in July. Please notice that under 15 U.S.C. section 2615 administrative civil penalties can be assessed up to \$25,000 per day for each day the annual report requirement is violated. Also notice that the reports must be complete and accurate or a reporting entity could be subject to criminal statutes such as 18 U.S.C. section 1001. This reminder is being sent out to those facilities in Region 10 at which we believe that PCB transformers and/or PCB capacitors were handled, and which facilities are believed to have experienced irregularities resulting in either improper disposal of PCBs or resulting in gaps in record keeping. A copy of the regulation (40 CFR section 761.180) is enclosed for your convenience.

Sincerely,

Robert A. Poss, Chief
Toxic Substances Control Branch
Air and Waste Management Division

Enclosure

*called on
6/21 about maintaining
records for 5 years*



McGRAW-EDISON

DM

National Electric Coil

file - firm file

National Electric Coil Division
McGraw-Edison Company
North 415 Fancher Road
Post Office Box 3505 TA
Spokane, WA 99220

June 15, 1982

509 535 8751

U. S. Environmental Protection Agency
Region X
1200 Sixth Avenue
Seattle, Washington 98101

Attention: Mr. Donald A. Donaldson,
Chief Compliance Section

Reference: Laboratory Analysis Notice

Dear Mr. Donaldson:

Enclosed please find a copy of the Chemical Transportation Manifest, reflecting proof that Great Western Chemical has picked up the three drums of hazardous waste that were on our premises.

I have orders from our Corporate office not to work on any PCB transformers. Hopefully we will not have this problem again.

Sincerely,

Bill Lewis

Bill Lewis,
Plant Manager

bc

enclosure

RECEIVED

JUN 17 1982

COMPLIANCE BRANCH
EPA - REGION X



CHEMICAL TRANSPORTATION MANIFEST
DESIGNATED TSD FACILITY
CHEM-SECURITY SYSTEMS, INC.
STAR ROUTE, ARLINGTON, OR. 97812
EPA ID NO. ORD. 08-945-2353

ARLINGTON (503) 454-2777
BELLEVUE (206) 827-0711

PORTLAND (503) 223-1912
VANCOUVER, B.C. (604) 688-7612

42614

1

GENERATOR

NATIONAL - Broom Co

ORIGIN ADDRESS

N 415 Fancher Rd / Spokane, Wa. 99206

BILLING ADDRESS

PO Box 3505 TA / Spokane, Wa 99220

EPA ID. NO.

NOT APPLICABLE

PHONE

509-535-8751

PHONE

DOT REQUIRED INFORMATION

CONTAINER		HM	DOT PROPER SHIPPING NAME	HAZARD CLASS	HAZ. MAT ID NO.
QTY.	TYPE				
1	STGAL dr	✓	Polychlorinated Biphenols RQ	ORM E	102311
1	STGAL dr	✓	HAZARDOUS WASTE, liquid	ORM E	NA 9189
1	Transformer	✓	HAZARDOUS WASTE, liquid	ORM E	NA 9189

DEQ/EPA REQUIRED INFORMATION

WASTE DESCRIPTION	PHYSICAL STATE	EPA HAZ. WASTE NO.	GAL./LB.	FT ³
Polychlorinated Biphenols (134 ppm) 1254 Aroclor	liquid	Not Applicable	37gal	7.5
Less than 1ppm PCB, Toxic 1254 Aroclor	liquid	Not applicable	STGAL	7.5
Less than 1ppm PCB, Toxic 1254 Aroclor	Solid liquid	not applicable	—	—

LABELING REQUIREMENTS

PCB / HAZARDOUS WASTE

PLACARDING REQUIREMENTS

SPECIAL INSTRUCTIONS (HANDLING/EMERGENCY)

IN THE EVENT OF A SPILL, CONTACT EITHER OF THE CHEM-SECURITY SYSTEMS OFFICES AND/OR CONTACT, IN THE UNITED STATES, THE NATIONAL RESPONSE CENTER, U.S. COAST GUARD (800) 424-8802, OR CONTACT, IN CANADA, TRANSPORT CANADA (613) 996-6666 FOR EMERGENCY ASSISTANCE.

Title to all materials furnished for disposal herein shall be deemed to be vested in Chem-Security Systems, Inc., immediately upon acceptance of such materials by Chem-Security Systems, Inc., from the generator or transporter. The generator shall have no right to recovery nor any credit for the potential value of any substances contained in such materials furnished for disposal, except as separately agreed in writing by Chem-Security Systems, Inc. Disposal operations by Chem-Security Systems, Inc., will be in accordance with

procedures approved by the Oregon Department of Environmental Quality and the United States Environmental Protection Agency. This is to certify that the above named materials are properly classified, described, packaged, marked, labeled and are in proper condition for transportation according to the applicable regulations of the U.S. Department of Transportation and the U.S. Environmental Protection Agency. Signed and dated by the authorized agent of the generator.

GENERATOR NAME (PLEASE PRINT)

Bill Lewis

SHIPPING DATE 6/10/82

ALTERNATE DESIGNATED T/S/D FACILITY (IF ANY)

GENERATOR SIGNATURE

Bill Lewis

ADDRESS

EPA ID. NO.

2

TRANSPORTER NO. 1

Great Western Chemical

EPA ID. NO. WA005605382

ADDRESS

N 402 Thompson Rd.

PHONE 928-0195

TRANSPORTER SIGNATURE

J. J. J.

DATE 6-10-82

TRANSPORTER NO. 2

EPA ID. NO.

ADDRESS

PHONE

TRANSPORTER SIGNATURE

DATE

TRANSPORTER NO. 3

EPA ID. NO.

ADDRESS

PHONE

TRANSPORTER SIGNATURE

DATE

T/S/D RETURNS TO GENERATOR

3

INTERMEDIATE FACILITY

EPA ID. NO.

ADDRESS

PHONE

SIGNATURE

DATE

4 CSSI USE ONLY

CSSI

REQ. NO.

BILL OF LADING NO.

WEIGHT TICKET NO.

GROSS

DISPOSAL AREA

SECTION

QUAD

DEPTH

TARE

REC. BY CSSI

DATE

NET

COMMENTS